



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAR 24 2023

The Honorable Harriet Hageman
Chair, Subcommittee for
Indian and Insular Affairs
U.S. House of Representatives
Washington, DC 20515

Dear Representative Hageman:

The Tribal Law and Order Act of 2010 (Act) requires the Bureau of Indian Affairs (BIA) to submit an annual report to Congress for each fiscal year that includes (1) the number of full-time employees of BIA and tribal governments who serve in Public Safety and Justice programs; (2) the amount of appropriations obligated for Public Safety and Justice programs, including the methodology used to determine the allocation of funds; (3) estimates of unmet staffing needs of law enforcement, corrections, and court personnel; and (4) a summary of BIA technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs. Enclosed is a report that satisfies the BIA's reporting requirements for Fiscal Year 2020 pursuant to the Act.

Identical letters are being provided to the Honorable Teresa Leger Fernandez Ranking Member, Subcommittee for Indian and Insular Affairs, Committee on Natural Resources, U.S. House of Representatives; the Honorable Brian Schatz, Chairman, Committee on Indian Affairs, United States Senate; and the Honorable Lisa Murkowski, Vice Chairwoman, Committee on Indian Affairs, United States Senate.

Sincerely,

Bryan Newland
Assistant Secretary - Indian Affairs

Enclosure



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The Honorable Brian Schatz
Chairman, Committee on Indian Affairs
United States Senate
Washington, DC 20510

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MAR 24 2023

The Honorable Lisa Murkowski
Vice Chairwoman, Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Senator Murkowski:

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Bryan Newland
Assistant Secretary - Indian Affairs

Enclosure

Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2020



Bureau of Indian Affairs,
Office of Justice Services
March, 2023

Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2020

TABLE OF CONTENTS

| | |
|--|----|
| Executive Summary..... | 1 |
| I. Introduction | 1 |
| II. Data Sources | 1 |
| III. BIA Funding and Staffing..... | 2 |
| Methodology for Disbursing PS&J Funding..... | 2 |
| Law Enforcement and Detention/Corrections Programs..... | 2 |
| Tribal Courts | 2 |
| Disbursement of PS&J Funding | 3 |
| Law Enforcement Programs | 3 |
| Detention/Corrections Programs | 3 |
| Tribal Courts | 3 |
| BIA Staffing of PS&J Programs | 3 |
| IV. Total Estimated Costs..... | 4 |
| Methodologies for Calculating Estimated Costs of PS&J Funding | 4 |
| Law Enforcement Cost Estimate..... | 5 |
| Tribal Courts Cost Estimate | 5 |
| Detention/Corrections Cost Estimate..... | 5 |
| Total Estimated Costs of PS&J Programs in Indian Country..... | 6 |
| Appendix A: Summary of Findings by State..... | 8 |
| Appendix B: Report of PS&J Technical Assistance/Training | 12 |
| Appendix C: Tribal Law and Order Act Reporting Requirements..... | 14 |
| Figures | |
| Figure 1. Factors Considered to Determine Allocation of New PS&J Resources | 2 |
| Figure 2. Graph of Total PS&J Estimated Program Costs by State..... | 5 |
| Figure A-1. Tribal Entities for Program Cost Estimates by BIA OJS District, FY 2020 | 8 |
| Figure B-1. Documented Instances of Technical Assistance by OJS District, FY 2020 | 12 |
| Figure B-2. Training Sessions by BIA OJS District, FY 2020 | 13 |
| Tables | |
| Table 1. Summary of Funding and FTE for BIA-funded PS&J Programs, FY 2020 | 3 |
| Table 2. Scalable Budget Models Used in Report..... | 4 |
| Table 3. Summary of Total Estimated Tribal Public Safety and Justice Program Costs | 7 |
| Table A-1. BIA Law Enforcement Appropriations Expended and FTE by State, FY 2020 | 9 |
| Table A-2. BIA Detention/Correction Programs Appropriations Expended and FTE by State, FY 2020 | 10 |
| Table A-3. BIA Tribal Courts Programs Appropriations Expended and FTE by State, FY 2020 | 11 |
| Table B-1. BIA PS&J Training by Type | 13 |

Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country

EXECUTIVE SUMMARY

This report satisfies the Bureau of Indian Affairs (BIA) reporting requirements (see Appendix C) in the Tribal Law and Order Act of 2010 regarding spending, staffing, and estimated costs for BIA-funded Public Safety and Justice Programs in Indian Country for 2020.

2020 BIA Spending:

- Law Enforcement: \$246.3 million
- Detention/Corrections: \$123.1 million
- Tribal Courts: \$62.8 million, including court assessments and technical assistance

2020 Staffing, BIA actual and Tribal estimated:

- Law Enforcement: 2,057 FTE
- Detention/Corrections: 1,292 FTE
- Tribal Courts: 600 FTE

2020 Total Estimated Costs:

- Law Enforcement, including Public Law 83-280 (P.L. 280) States: \$1.4 billion
- Detention/Corrections, existing programs only: \$247.7 million
- Tribal Courts, including P.L. 280 States: \$1.2 billion

In addition, this 2020 report includes data on Public Safety and Justice (PS&J) programs -related technical assistance, training, and other support provided to Tribes that operate relevant programs under self-determination contracts or self-governance compacts, also required by the Act (see Appendix C).

- Technical Assistance: 6,870 documented instances
- Training: 107 sessions serving 4,125 Tribal and Federal public safety personnel

agencies more accountable in their service of Native people and lands. TLOA specifically requires the BIA Office of Justice Services (OJS) to report on spending, staffing, and unmet needs for PS&J programs in Indian Country. This report includes spending and staffing data for 2020, as well as annual cost estimates, for PS&J programs. The spending displayed may vary slightly from enacted amounts due to reprogramming of funds by BIA or Tribes.

II. DATA SOURCES

To meet the reporting requirements of TLOA, this report equates spending with BIA-obligated funding for PS&J programs and staffing with the filled Full Time Equivalent (FTE) positions in BIA-operated PS&J programs plus estimates of FTE for Tribally-operated BIA-funded PS&J programs. As a proxy for unmet needs, the report provides an estimate of total annual costs to operate appropriate-sized, fully staffed Law Enforcement and Detention/Corrections programs, as well as Tribal Courts, in Indian Country.

This report does not include any funding made available for PS&J purposes in Indian Country on a permanent or one-time basis by organizations other than BIA. Tribal PS&J programs occasionally receive funding from Federal, State, and Tribal organizations other than BIA. The full scope of unmet needs cannot be addressed without considering non-BIA sources of funding, on which data are not readily available.

To ensure consistency of data, this report uses models to estimate annual program costs and FTE needs across the board. BIA efforts to use a web-based data collection survey tool accessible to Tribes on the BIA webpage, www.bia.gov, yielded information that varied substantially in degrees of completeness and proved difficult to verify.

I. INTRODUCTION

The Tribal Law and Order Act of 2010, Public Law 111-211 (TLOA) was designed to provide greater freedom for Tribal nations to design and operate their own justice systems, making Federal departments and

TLOA requires BIA to submit a detailed spending report and the methodology used to disburse funds for PS&J programs administered by OJS. OJS allocates its recurring appropriations to 191 Law Enforcement programs; 96 Detention/Corrections programs (for 55 Tribes); 15

district, headquarters, and support offices; 230+ Tribal Courts; and other BIA agency offices that support PS&J programs. The BIA funds are spent either by BIA to deliver direct services or by Tribes when they contract services with funds transmitted to the Tribes through self-determination contracts or self-governance compacts, pursuant to the Indian Self-Determination and Education Assistance Act, P.L. 93-638.

III. BIA FUNDING AND STAFFING

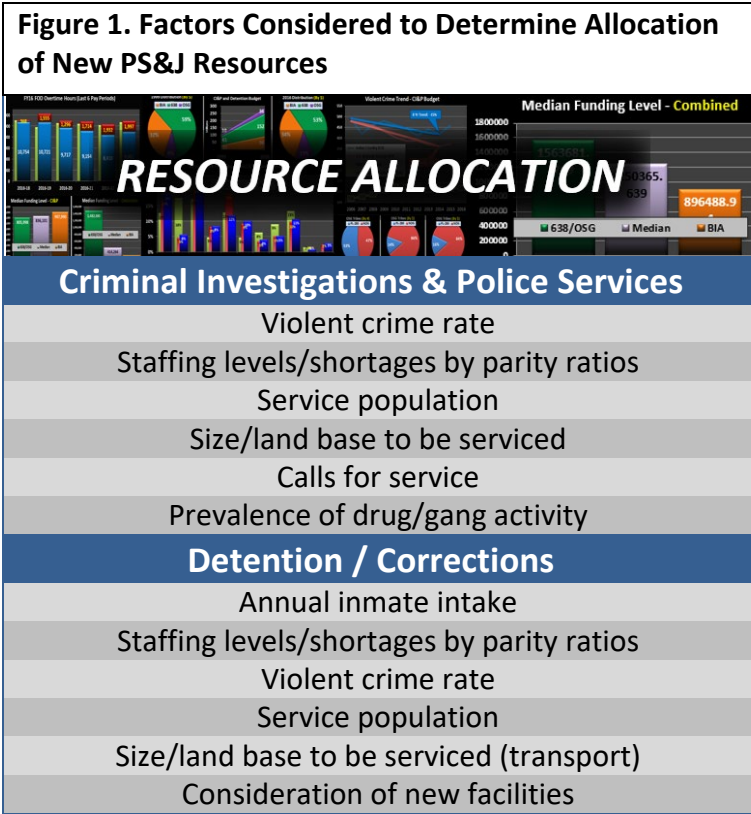
BIA uses a Federal financial and accounting system to disburse funding to PS&J programs. The system provides reporting capabilities sufficient to meet TLOA requirements for reporting expenditures for all programs, whether BIA or Tribally operated, but can only meet the staffing reporting requirements for programs administered by BIA as a direct service to Tribes. This report uses the percentage of need funded (calculated at the State level) to estimate Tribal FTE figures. Law Enforcement and Detention/Corrections services are provided by both BIA and the Tribes. Nearly all Tribal Courts are administered by the Tribes. BIA operates a few Tribal Court functions directly but primarily provides technical support to Tribes that operate courts.

Methodology for Disbursing PS&J Funding

Law Enforcement and Detention/Corrections Programs—

The methodology for disbursing Law Enforcement and Detention/Corrections funding is based on historical allocations. Until 1999, funding for the Law Enforcement and Detention/Corrections program was provided to Tribes as Tribal Priority Allocations (TPA). The TPA designation provides Tribes the discretion to prioritize their annual base funding among all BIA-funded programs with a TPA designation to serve the unique needs of their communities. In 1999, to ensure that funding for Law Enforcement and Detention/Corrections programs was spent on those programs and to strengthen Federal accountability for public safety in Indian Country, the TPA designation for Law Enforcement and Detention/ Corrections programs was eliminated. The amount of TPA funds that Tribes allocated to Law Enforcement and Detention/Corrections programs in 1999, when the TPA designation was removed, is the basis for the current funding levels distributed to each Tribe. The budget increases provided since that time have been distributed on top of the historical base amounts because by law, one Tribe’s base funding under contract or compact may not be reduced to increase the base funding of another Tribe.

As directed in the Conference Committee Report to the Consolidated Appropriations Act, 2008, BIA evaluates a number of factors (shown in Figure 1) to ensure budget increases reach the areas with the greatest need.



Tribal Courts—Unlike the Law Enforcement and Detention/Corrections Programs, the Tribal Courts program remains in the TPA category, allowing individual Tribes to mingle and allocate Tribal Courts funding among various TPA programs to best meet their unique need or priority in any given year. As with Law Enforcement and Detention/ Corrections funding, however, Tribal Courts funding is distributed according to historical allocations. Currently, BIA distributes Tribal Courts budget increases using either a pro rata methodology or request-based determinations that are supported by court assessment data.

Table 1. Summary of Funding and FTE for BIA-funded PS&J Programs, FY 2020

| Program / Operator | FY 2020 | | Five-Year Trend | | | | |
|--|--------------|---------------------------------|---|-------|-------|-------|-------|
| | FTE | Appropriations Expended (\$000) | | | | | |
| Law Enforcement: | | | Direct Service vs. Tribal Programs | | | | |
| BIA Direct Services | 452 | 94,292 | | | | | |
| Tribally Contracted/Compacted Programs | 1,604 | 151,997 | | | | | |
| Total Law Enforcement | 2,056 | 246,289 | (Total Funds Expended in Millions) | | | | |
| | | | \$0 | \$100 | \$200 | \$300 | \$400 |
| Detention / Corrections: | | | 2020 | 34% | 66% | | |
| BIA Direct Services | 243 | 45,262 | 2019 | 33% | 67% | | |
| Tribally Contracted/Compacted Programs | 1,051 | 77,819 | 2018 | 36% | 64% | | |
| Total Detention / Corrections | 1,294 | 123,081 | 2017 | 36% | 64% | | |
| Tribal Courts: | | | 2016 | 38% | 62% | | |
| BIA Direct Services | 19 | 7,171 | | | | | |
| Tribally Contracted/Compacted Programs | 581 | 55,630 | | | | | |
| Total Tribal Courts | 600 | 62,801 | | | | | |
| PS&J Programs: | | | | | | | |
| BIA Direct Services | 714 | 146,725 | | | | | |
| Tribally Contracted/Compacted Programs | 3,236 | 285,446 | | | | | |
| Total PS&J Programs | 3,950 | 432,171 | | | | | |

Disbursement of PS&J Funding

Law Enforcement Programs—In 2020, BIA funding obligated for Law Enforcement programs reached \$246.3 million (see Table 1). About 38 percent of the funding was allotted to BIA direct-service programs, with the remainder going to Tribally run programs. A small amount of funding for Law Enforcement went toward operations in P.L. 280 States due to historical reasons, or because program administrative offices were located in those States. In mandatory P.L. 280 States, Congress has suspended federal criminal jurisdiction for certain offenses committed by or against Indians in Indian Country, in favor of the relevant State’s jurisdiction.

Detention/Corrections Programs—In 2020, BIA funding for Detention/Corrections programs reached \$123.1 million. Roughly 37 percent of the funding was allotted to BIA direct-service programs, with the remainder going to Tribally run programs. A minimal amount of funding for detention goes to operations in P.L. 280 States due to historical reasons or program administrative offices in those States.

Tribal Courts—In 2020, BIA funding for the Tribal Courts program reached \$62.8 million, including court operations, court assessments, and technical assistance. Around 89 percent of the funding was allotted to Tribally contracted/compacted programs. The remainder funded court assessments and BIA technical assistance.

Approximately one-third of the total funded Tribal Court activities in P.L. 280 States, as directed by Congress. In 2020, \$7.6 million was provided in BIA’s annual appropriations for Tribal Courts to support an opportunity to fund core Tribal justice systems positions and sustain court infrastructure designed to focus on the safety and well-being of children, youth, and families through traditional and cultural methods within the Tribal justice system. Approximately 25 percent of the \$7.6 million was designated to support the Tiwahe Initiative (Tiwahe) with the remainder of this specific appropriation used to fund individual Tribes with core positions and other needs dedicated to child welfare and family law related cases.

BIA Staffing of PS&J Programs

In 2020, BIA-operated Law Enforcement programs employed 451 FTEs, Detention/Corrections programs employed 243 FTEs, and the Tribal Courts budget line item supported a staff of 19 FTEs for BIA to administer the program and provide technical support. The number of FTEs employed by Tribes operating those programs under contract is uncertain. Tribes are not required to provide employment information, and most Tribes do not provide such information; however, applying the percentage of total estimated program costs that were actually funded in FY 2020 to the budget models used for this report enables us to estimate the Tribal FTEs funded

by BIA for FY 2020. The resulting figures are 1,605 Tribal FTEs for Law Enforcement, 1,051 for Detention/Corrections, and 581 for Tribal Courts.

The report provides an estimated total FTEs and cost of Law Enforcement for all Tribes throughout Indian Country, including P.L. 280 States, regardless of whether services are provided by Federal, State, local, or Tribal entities. Cost estimates for Tribal Courts also include all Tribes because of Tribal sovereignty and the potential for Tribal Courts to have expanded court responsibilities under TLOA and the reauthorization of the Violence Against Women Act (VAWA). The FTE and cost estimates for Detention/Corrections are limited to existing structures because not every Tribe may need a separate detention facility, and facilities often are shared regionally.

IV. TOTAL ESTIMATED COSTS

Tiwahe (ti-wah-hay) means family in the Lakota language and symbolizes the interconnectedness of all living things and one's personal responsibility to protect family, community, and the environment. Since 2015, BIA has administered the Tiwahe Initiative. Tiwahe is an extensive and bold approach to furthering Indian self-determination and self-governance. It provides Indian Tribes with flexibility in the administration of key Tribal programs, supports Tribal economic self-sufficiency, and strengthens Tribal cultural connections. Tiwahe fosters systemic change in the delivery of services to children and families through the integration of Tribal practices, customs, values, and traditions. Tiwahe integrates six key BIA programs, including Social Services, Indian Child Welfare Act (ICWA), the Housing Improvement Program (HIP), Job Placement & Training (JPT), Tribal Courts, and the Public Safety Recidivism Reduction Initiative (RRI). Tiwahe provides increased social services and ICWA base funding to all eligible Tribes; funding and programming to over 40 Tribes for recidivism reduction; and funding and programming to over 100 Tribal courts.


Presently, six Tribes are participating in a pilot project to implement a variety of services related to Tiwahe's six program areas. BIA is in the process of expanding the pilot to two new Tribes and developing the Tiwahe Incubator, which would provide one time funding to Tribes in order to develop a Tiwahe plan. Further information on Tiwahe can be found in the [2021 Tiwahe Final Report to Congress](#).

Methodologies for Calculating Estimated Costs of PS&J Programs

The cost estimates for Law Enforcement programs and Tribal Courts assume that all Tribes of a similar size have Law Enforcement agencies or Tribal Courts with the same composition. Law Enforcement programs and Tribal Courts are usually sized to meet the needs of a population range. Population data in the 2013 American Indian Population and Labor Force (AIPLF) Report prepared by the Office of the Assistant Secretary–Indian Affairs (consistent with 2010 Census data) was used to estimate service populations by Tribe. The AIPLF estimates that the total service population on Indian lands is slightly less than 2 million.

Table 2. Scalable Budget Models Used in Report

| Scalable Law Enforcement Budget Model | | | |
|---------------------------------------|---|---------------------|---------------------|
| Tribal Service Population Size | Law Enforcement Need | Number of Positions | Annual Cost (\$000) |
| < 600 | Basic @ \approx 1/3 capacity | 7 | \$ 793 |
| 600 – 1,600 | Basic @ \approx 2/3 capacity | 14 | \$ 1,586 |
| 1,601 – 6,500 | Basic program | 21 | \$ 2,403 |
| 6,501 – 9,750 | Basic @ \approx 50% increased capacity | 30 | \$ 3,605 |
| 9,751 – 13,000 | Basic @ \approx 100% increased capacity | 41 | \$ 4,945 |
| 13,001 – 16,250 | Basic @ \approx 150% increased capacity | 48 | \$ 5,910 |
| 16,251 – 19,500 | Basic @ \approx 200% increased capacity | 56 | \$ 6,983 |
| 19,501 + | Basic @ \approx 250% increased capacity | 73 | \$ 9,161 |



The diagram illustrates the Scalable Tribal Court Budget Model. At the top is an oval labeled 'Community Safety'. Below it is a large triangle labeled 'Tribal Court'. To the left of the 'Tribal Court' triangle is a smaller triangle labeled 'Law Enforcement', and to the right is another smaller triangle labeled 'Detention/Corrections'. Arrows point from 'Law Enforcement' and 'Detention/Corrections' towards the 'Tribal Court' triangle, indicating their integration into the Tribal Court system. The background of the diagram shows a sunset over a landscape with two tipis.

| Scalable Tribal Court Budget Model | | | |
|------------------------------------|---|---------------------|---------------------|
| Tribal Service Population Size | Tribal Court Need | Number of Positions | Annual Cost (\$000) |
| < 600 | Part time (4.3 months) | 7 | \$ 758 |
| 600 – 1,600 | Part time (8 months) | 13 | \$ 1,382 |
| 1,601 – 6,500 | Full time basic program | 20 | \$ 2,094 |
| 6,501 – 9,750 | Basic @ \approx 50% increased capacity | 30 | \$ 3,141 |
| 9,751 – 13,000 | Basic @ \approx 100% increased capacity | 40 | \$ 4,188 |
| 13,001 – 16,250 | Basic @ \approx 150% increased capacity | 50 | \$ 5,235 |
| 16,251 – 19,500 | Basic @ \approx 200% increased capacity | 60 | \$ 6,282 |
| 19,501 + | Basic @ \approx 250% increased capacity | 70 | \$ 7,329 |

About two-thirds of the population is in non-P.L. 280 States, and a third is located in P.L. 280 States, primarily Alaska and California. This report groups Tribes by population size and uses scalable cost models to create estimates for operating Law Enforcement programs and Tribal Courts for each group.

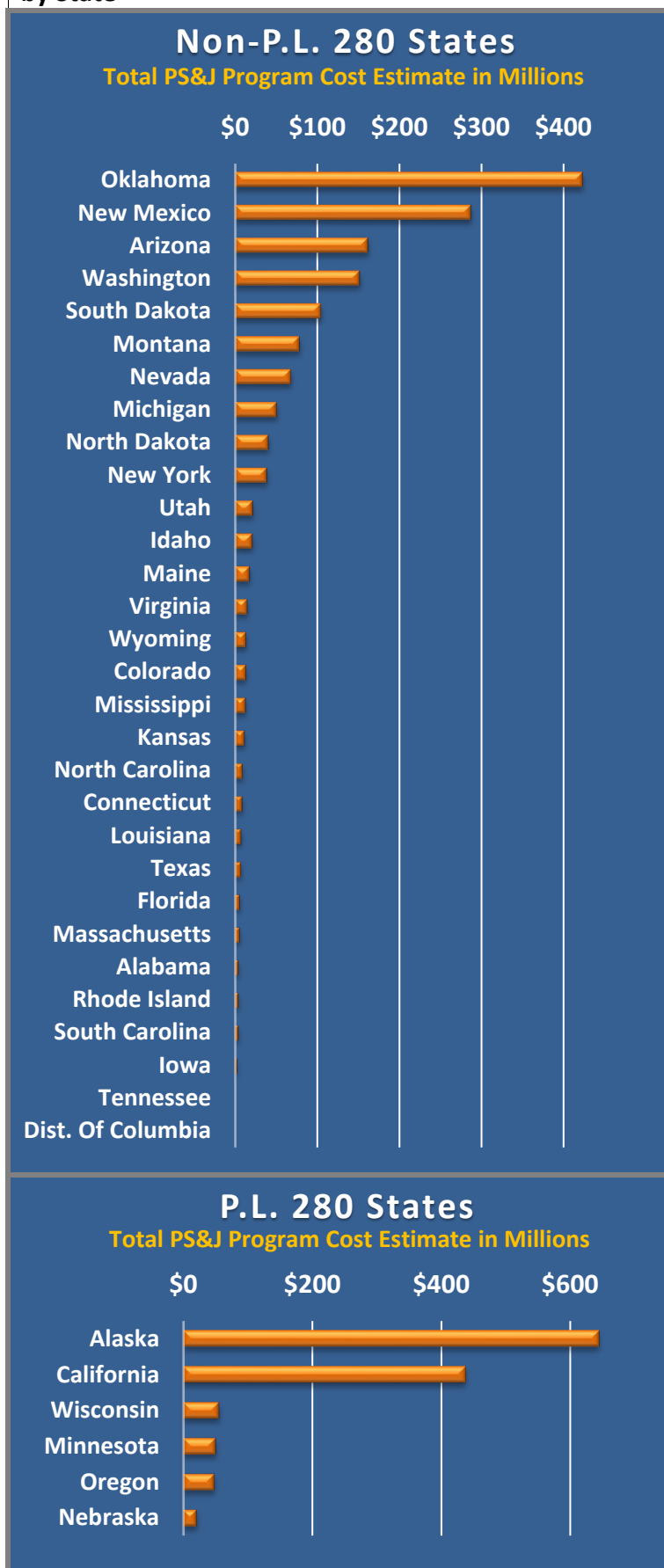
Law Enforcement Cost Estimate—The cost of a full-time “basic” program that would serve Tribes with service populations ranging from 1,601 to 6,500 is estimated at \$2.4 million. That figure is based on a budget for a standard Law Enforcement program model that includes police officials, dispatchers, administrative services, and supplies and equipment. The number of officers budgeted at each level generally follows a ratio of 2.8 officers per 1,000 residents. The scalable Law Enforcement budget model in Table 2 shows the basic program scaled to various levels based on Tribal service populations. For example, Tribes with a service population of fewer than 600 could be served by a Law Enforcement agency with a lower capacity, at a cost of \$793,000, whereas Tribes with a service population ranging from 16,251 to 19,500 would require a Law Enforcement presence three times the basic program size, at an annual cost of \$7.0 million.

Tribal Courts Cost Estimate—Data collected from Tribal Court assessments completed by BIA over the past few years was used to produce a scalable Tribal Court budget model. The size of the Tribe’s service population drives the size of the court, and the size of the court drives the cost of the court. The scalable Tribal Court budget model in Table 2 shows the cost of a full-time court that would serve Tribes with service populations ranging from 1,601 to 6,500 is estimated at \$2.1 million and scaled to various levels based on Tribal service populations. For example, Tribes with a service population of fewer than 600 could be served by a court that operates for 4.3 months over the course of a year at a cost of \$758,000, whereas Tribes with a service population ranging from 16,251 to 19,500 would require a Tribal justice system three times the size of a full-time court, at an annual cost of \$6.3 million.

Detention/Corrections Cost Estimate—Unlike cost estimates for Law Enforcement and Tribal Court programs, for which a universal community need is assumed, this analysis estimates costs only for existing BIA-funded Detention/Corrections centers; not every community needs a Detention/Correction center.

Staffing and operational needs for correctional programs are based, to a large extent, on facility design

Figure 2. Graph of Total PS&J Estimated Program Costs by State



rather than service population; therefore, estimated total costs are based on individual staffing models developed for each BIA-funded jail according to National Institute of Corrections standards in connection with building layout, type of prisoners housed, and programs and services offered.

Total Estimated Costs of PS&J Programs in Indian Country

Based on the cost estimates for PS&J programs, the total annual estimated need for PS&J programs in Indian Country is \$1.4 billion for Law Enforcement Programs, \$247.7 million for existing Detention Centers, and \$1.2 billion for Tribal Courts. For Law Enforcement, Detention/Corrections, and Tribal Courts, about 56 percent of the total estimated cost is for non-P.L. 280 States, and 44 percent is for costs in P.L. 280 States—which include 373 of the 581 Tribal entities that the BIA PS&J funding supports. These figures are summarized in Table 3 on the following page.

Table 3. Summary of Total Estimated Tribal PS&J Program Costs

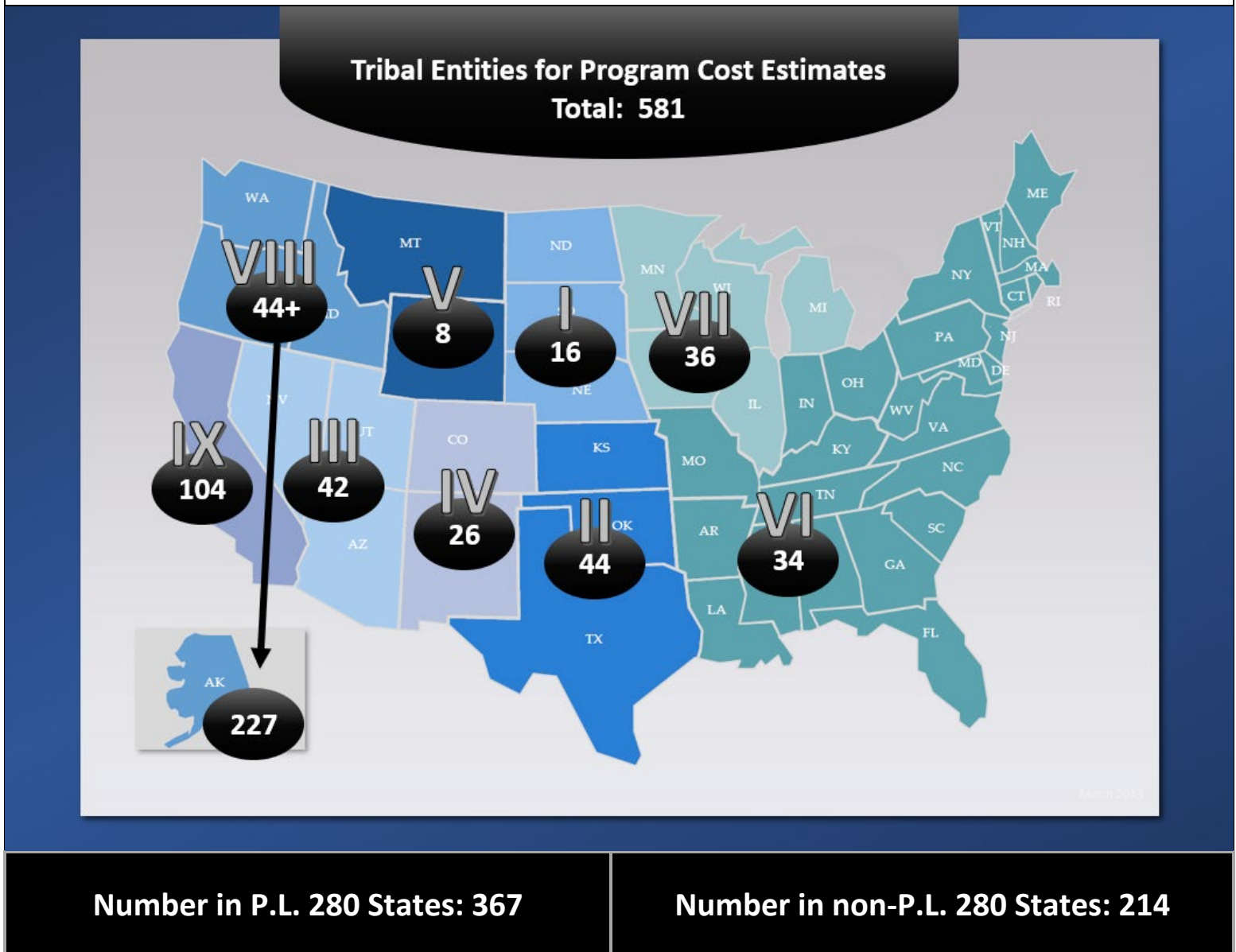
| State | Number of Tribes | Total Estimated Indian Service Population | Annual Program FTE & Cost Estimate (Dollars in Thousands) | | | | | |
|----------------------------|------------------|---|---|-----------|--|---------|---------------|-----------|
| | | | Law Enforcement | | Detention/Corrections (Existing Programs Only) | | Tribal Courts | |
| | | | FTE | (\$000) | FTE | (\$000) | FTE | (\$000) |
| Non-P.L. 280 States: | | | | | | | | |
| Alabama | 1 | 1,914 | 21 | 2,403 | 0 | 0 | 20 | 2,094 |
| Arizona | 20 | 118,566 | 516 | 61,799 | 494 | 46,567 | 514 | 53,820 |
| Colorado | 2 | 3,444 | 42 | 4,806 | 46 | 4,646 | 40 | 4,188 |
| Connecticut | 2 | 5,859 | 42 | 4,806 | 0 | 10 | 40 | 4,188 |
| District of Columbia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Florida | 2 | 4,269 | 28 | 3,196 | 0 | 0 | 27 | 2,851 |
| Iowa | 1 | 1,426 | 14 | 1,586 | 0 | 0 | 13 | 1,382 |
| Idaho | 4 | 15,726 | 71 | 8,387 | 64 | 5,637 | 70 | 7,374 |
| Kansas | 4 | 2,957 | 55 | 6,344 | 0 | 0 | 53 | 5,528 |
| Louisiana | 4 | 1,985 | 35 | 3,965 | 0 | 0 | 35 | 3,654 |
| Massachusetts | 2 | 3,285 | 28 | 3,196 | 0 | 0 | 27 | 2,851 |
| Maine | 4 | 9,491 | 84 | 9,611 | 0 | 0 | 80 | 8,376 |
| Michigan | 12 | 33,432 | 223 | 25,615 | 35 | 3,026 | 214 | 22,454 |
| Mississippi | 1 | 9,199 | 30 | 3,605 | 61 | 6,463 | 30 | 3,141 |
| Montana | 7 | 46,435 | 193 | 22,970 | 374 | 35,976 | 190 | 19,892 |
| North Carolina | 1 | 8,600 | 30 | 3,605 | 24 | 2,649 | 30 | 3,141 |
| North Dakota | 4 | 35,463 | 132 | 15,898 | 124 | 11,440 | 130 | 13,610 |
| New Mexico | 23 | 245,712 | 1,085 | 132,786 | 478 | 45,106 | 1,046 | 109,530 |
| Nevada | 18 | 48,914 | 299 | 34,361 | 43 | 3,743 | 288 | 30,209 |
| New York | 8 | 47,564 | 175 | 20,813 | 0 | 0 | 174 | 18,266 |
| Oklahoma | 38 | 471,738 | 1,867 | 228,069 | 51 | 4,679 | 1,819 | 190,438 |
| Rhode Island | 1 | 2,046 | 21 | 2,403 | 0 | 0 | 20 | 2,094 |
| South Carolina | 1 | 1,847 | 21 | 2,403 | 0 | 0 | 20 | 2,094 |
| South Dakota | 8 | 71,095 | 289 | 34,853 | 417 | 40,857 | 279 | 29,170 |
| Tennessee | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Texas | 3 | 2,412 | 35 | 3,965 | 0 | 0 | 34 | 3,521 |
| Utah | 5 | 8,573 | 76 | 8,746 | 65 | 5,587 | 73 | 7,622 |
| Virginia | 7 | 4,447 | 69 | 7,953 | 0 | 0 | 69 | 7,263 |
| Washington | 29 | 178,956 | 613 | 70,763 | 204 | 19,314 | 590 | 61,815 |
| Wyoming | 2 | 12,312 | 55 | 6,531 | 18 | 1,643 | 53 | 5,570 |
| Totals Non P.L. 280 States | 214 | 1,397,667 | 6,149 | 735,438 | 2,498 | 237,343 | 5,978 | 626,136 |
| P.L. 280 States: | | | | | | | | |
| Alaska | 227 | 143,268 | 2,985 | 343,082 | 8 | 709 | 2,872 | 300,829 |
| California | 104 | 281,112 | 2,028 | 233,477 | 0 | 0 | 1,951 | 204,317 |
| Minnesota | 12 | 42,210 | 216 | 24,774 | 46 | 4,301 | 207 | 21,655 |
| Nebraska | 4 | 15,360 | 89 | 10,520 | 19 | 1,681 | 86 | 9,046 |
| Oregon | 9 | 59,121 | 212 | 25,211 | 17 | 1,547 | 210 | 22,031 |
| Wisconsin | 11 | 34,876 | 248 | 28,836 | 22 | 2,156 | 240 | 25,127 |
| Totals P.L. 280 States | 367 | 575,947 | 5,778 | 665,900 | 112 | 10,394 | 5,566 | 583,005 |
| All States | | | | | | | | |
| Grand Totals All States | 581 | 1,973,614 | 11,927 | 1,401,338 | 2,610 | 247,737 | 11,544 | 1,209,141 |

Note: There were 574 federally recognized Tribes at the time this report was compiled. The total number of Tribal entities in the summary tables (581) exceeds the number of federally recognized Tribes because there are more organizations controlled, sanctioned, or chartered by Tribes that are eligible under various statutes to do business with BIA than there are Tribes. This number may vary by year depending upon the structure of self-determination agreements utilized by Tribes. The total cost figures may not equal the sum of individual figures, due to the rounding necessary for calculations.

APPENDIX A: SUMMARY OF FINDINGS BY STATE

At the time this report was compiled, 574 federally recognized Tribes existed. The total number of Tribal entities in the summary tables (581) exceeds the number of federally recognized Tribes because there are more organizations controlled, sanctioned, or chartered by Tribes that are eligible under various statutes to do business with BIA than there are Tribes. Of the 581 entities, 214 Tribal entities are in non-P.L. 280 States, and 367 Tribes are located in P.L. 280 States, primarily in Alaska and California.

Figure A-1. Tribal Entities for Program Cost Estimates by BIA OJS District, FY 2020



The following tables summarize data for BIA Public Safety and Justice programs by State. Separate tables are presented for Law Enforcement, Detention/Corrections, and Tribal Court programs. Each table shows by State the number of Tribes, the total estimated Tribal service population, the annual estimated FTEs and cost of those programs, and FTEs and BIA appropriations expended for FY 2020. The information is broken out by P.L. 280 States and non-P.L. 280 States. The BIA 2020 funding and FTE information are further broken down into data by service provider, whether by BIA or through Tribal 638 contracts or self-governance compacts.

Table A-1. BIA Law Enforcement Appropriations Expended and FTEs by State, FY 2020

| Law Enforcement (Dollars in Thousands) | | | | | | | | | |
|---|--|------------------|---|------------------------------------|-----|--------------------------|-------|---------|---------------------------------|
| State | | Number of Tribes | Total Estimated Indian Service Population | Annual Program FTE & Cost Estimate | | FY 2020 Total FTE Funded | | | FY 2020 Appropriations Expended |
| | | | FTE | (\$000) | BIA | Tribal | Total | (\$000) | |
| Non-P.L. 280 States: | | | | | | | | | |
| Alabama | 1 | 1,914 | 21 | 2,403 | 0 | 6 | 6 | 643 | |
| Arizona | 20 | 118,566 | 516 | 61,799 | 45 | 321 | 367 | 43,893 | |
| Colorado | 2 | 3,444 | 42 | 4,806 | 15 | 16 | 31 | 3,531 | |
| Connecticut | 2 | 5,859 | 42 | 4,806 | 0 | 8 | 8 | 901 | |
| District of Columbia | 0 | 0 | 0 | 0 | 10 | 0 | 10 | 1,954 | |
| Florida | 2 | 4,269 | 28 | 3,196 | 0 | 19 | 19 | 2,161 | |
| Iowa | 1 | 1,426 | 14 | 1,586 | 0 | 0 | 0 | 0 | |
| Idaho | 4 | 15,726 | 71 | 8,387 | 0 | 42 | 42 | 4,989 | |
| Kansas | 4 | 2,957 | 55 | 6,344 | 0 | 12 | 12 | 1,408 | |
| Louisiana | 4 | 1,985 | 35 | 3,965 | 0 | 16 | 16 | 1,806 | |
| Massachusetts | 2 | 3,285 | 28 | 3,196 | 0 | 2 | 2 | 175 | |
| Maine | 4 | 9,491 | 84 | 9,611 | 0 | 17 | 17 | 1,964 | |
| Michigan | 12 | 33,432 | 223 | 25,615 | 0 | 47 | 47 | 5,418 | |
| Mississippi | 1 | 9,199 | 30 | 3,605 | 0 | 16 | 16 | 1,877 | |
| Montana | 7 | 46,435 | 193 | 22,970 | 43 | 106 | 148 | 17,645 | |
| North Carolina | 1 | 8,600 | 30 | 3,605 | 0 | 6 | 6 | 705 | |
| North Dakota | 4 | 35,463 | 132 | 15,898 | 60 | 23 | 83 | 9,927 | |
| New Mexico | 23 | 245,712 | 1,085 | 132,786 | 111 | 393 | 504 | 61,705 | |
| Nevada | 18 | 48,914 | 299 | 34,361 | 19 | 51 | 70 | 8,091 | |
| New York | 8 | 47,564 | 175 | 20,813 | 0 | 8 | 8 | 1,000 | |
| Oklahoma | 38 | 471,738 | 1,867 | 228,069 | 46 | 91 | 137 | 16,744 | |
| Rhode Island | 1 | 2,046 | 21 | 2,403 | 0 | 2 | 2 | 284 | |
| South Carolina | 1 | 1,847 | 21 | 2,403 | 0 | 0 | 0 | 0 | |
| South Dakota | 8 | 71,095 | 289 | 34,853 | 32 | 137 | 169 | 20,393 | |
| Tennessee | 0 | 0 | 0 | 0 | 5 | 0 | 5 | 788 | |
| Texas | 3 | 2,412 | 35 | 3,965 | 0 | 6 | 6 | 642 | |
| Utah | 5 | 8,573 | 76 | 8,746 | 18 | 0 | 18 | 1,968 | |
| Virginia | 7 | 4,447 | 69 | 7,953 | 0 | 0 | | 0 | |
| Washington | 29 | 178,956 | 613 | 70,763 | 5 | 122 | 127 | 14,677 | |
| Wyoming | 2 | 12,312 | 55 | 6,531 | 26 | 2 | 28 | 3,359 | |
| Totals Non P.L. 280 States | 214 | 1,397,667 | 6,149 | 735,438 | 435 | 1,469 | 1,904 | 228,648 | |
| P.L. 280 States: | | | | | | | | | |
| Alaska | 227 | 143,268 | 2,985 | 343,082 | 0 | 8 | 8 | 917 | |
| California | 104 | 281,112 | 2,028 | 233,477 | 1 | 9 | 11 | 1,229 | |
| Minnesota | 12 | 42,210 | 216 | 24,774 | 6 | 44 | 50 | 5,744 | |
| Nebraska | 4 | 15,360 | 89 | 10,520 | 7 | 26 | 33 | 3,834 | |
| Oregon | 9 | 59,121 | 212 | 25,211 | 0 | 21 | 21 | 2,467 | |
| Wisconsin | 11 | 34,876 | 248 | 28,836 | 3 | 27 | 30 | 3,450 | |
| Totals P.L. 280 States | 367 | 575,947 | 5,778 | 665,900 | 17 | 135 | 152 | 17,641 | |
| All States | | | | | | | | | |
| Grand Totals All States | 581 | 1,973,614 | 11,927 | 1,401,338 | 452 | 1,604 | 2,056 | 246,289 | |
| | | | | | | | | | |
| | BIA Direct Service Programs | | | | 452 | | 452 | 94,292 | |
| | Tribally Contracted/Compacted Programs | | | | | 1,604 | 1,604 | 151,997 | |

Table A-2. BIA Detention/Corrections Programs Appropriations Expended and FTEs by State, FY 2020

| Detention / Corrections (Dollars in Thousands) | | | | | | | | | |
|---|---------------------|------------------|---|------------------------------------|---------|--------------------------|--------|--------|---------------------------------|
| State | | Number of Tribes | Total Estimated Indian Service Population | Annual Program FTE & Cost Estimate | | FY 2020 Total FTE Funded | | | FY 2020 Appropriations Expended |
| | | | | FTE | (\$000) | BIA | Tribal | Total | (\$000) |
| P.L. 280 States: | | | | | | | | | |
| Alabama | 1 | 1,914 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Arizona | 20 | 118,566 | 494 | 46,567 | 26 | 222 | 248 | 23,465 | |
| Colorado | 2 | 3,444 | 46 | 4,646 | 24 | 10 | 34 | 3,439 | |
| Connecticut | 2 | 5,859 | 0 | 10 | 0 | 0 | 0 | 194 | |
| District of Columbia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Florida | 2 | 4,269 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Iowa | 1 | 1,426 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Idaho | 4 | 15,726 | 64 | 5,637 | 0 | 53 | 53 | 4,693 | |
| Kansas | 4 | 2,957 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Louisiana | 4 | 1,985 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Massachusetts | 2 | 3,285 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Maine | 4 | 9,491 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Michigan | 12 | 33,432 | 35 | 3,026 | 0 | 16 | 16 | 1,421 | |
| Mississippi | 1 | 9,199 | 61 | 6,463 | 0 | 32 | 32 | 3,432 | |
| Montana | 7 | 46,435 | 374 | 35,976 | 73 | 126 | 199 | 19,135 | |
| North Carolina | 1 | 8,600 | 24 | 2,649 | 0 | 10 | 10 | 1,068 | |
| North Dakota | 4 | 35,463 | 124 | 11,440 | 30 | 65 | 95 | 8,764 | |
| New Mexico | 23 | 245,712 | 478 | 45,106 | 6 | 139 | 145 | 13,677 | |
| Nevada | 18 | 48,914 | 43 | 3,743 | 13 | 7 | 20 | 1,727 | |
| New York | 8 | 47,564 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Oklahoma | 38 | 471,738 | 51 | 4,679 | 0 | 5 | 5 | 502 | |
| Rhode Island | 1 | 2,046 | 0 | 0 | 0 | 0 | 0 | 0 | |
| South Carolina | 1 | 1,847 | 0 | 0 | 0 | 0 | 0 | 0 | |
| South Dakota | 8 | 71,095 | 417 | 40,857 | 44 | 167 | 211 | 20,726 | |
| Tennessee | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Texas | 3 | 2,412 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Utah | 5 | 8,573 | 65 | 5,587 | 6 | 16 | 22 | 1,891 | |
| Virginia | 7 | 4,447 | 0 | 0 | 0 | 0 | | 0 | |
| Washington | 29 | 178,956 | 204 | 19,314 | 6 | 96 | 102 | 9,613 | |
| Wyoming | 2 | 12,312 | 18 | 1,643 | 10 | 6 | 16 | 1,440 | |
| Totals | Non P.L. 280 States | 214 | 1,397,667 | 2,498 | 237,343 | 238 | 970 | 1,2080 | 115,187 |
| P.L. 280 States: | | | | | | | | | |
| Alaska | 227 | 143,268 | 8 | 709 | 0 | 0 | 0 | 34 | |
| California | 104 | 281,112 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Minnesota | 12 | 42,210 | 46 | 4,301 | 0 | 55 | 55 | 5,179 | |
| Nebraska | 4 | 15,360 | 19 | 1,681 | 3 | 11 | 14 | 1,257 | |
| Oregon | 9 | 59,121 | 17 | 1,547 | 0 | 6 | 6 | 591 | |
| Wisconsin | 11 | 34,876 | 22 | 2,156 | 1 | 8 | 9 | 833 | |
| Totals | P.L. 280 States | 367 | 575,947 | 112 | 10,394 | 4 | 80 | 84 | 7,894 |
| All States | | | | | | | | | |
| Grand Totals | All States | 581 | 1,973,614 | 2,610 | 247,737 | 242 | 1,050 | 1,292 | 123,081 |
| | | | | | | | | | |
| | | | | | | 242 | | 242 | 45,262 |
| | | | | | | | 1,050 | 1,050 | 77,819 |

Note: There were 574 federally recognized Tribes at the time this report was compiled. The total number of Tribal entities in the summary tables (581) exceeds the number of federally recognized Tribes because there are more organizations controlled, sanctioned, or chartered by Tribes that are eligible under various statutes to do business with BIA than there are Tribes. This number may vary by year depending upon the structure of self-determination agreements utilized by Tribes. The total cost figures may not equal the sum of individual figures, due to the rounding necessary for calculations.

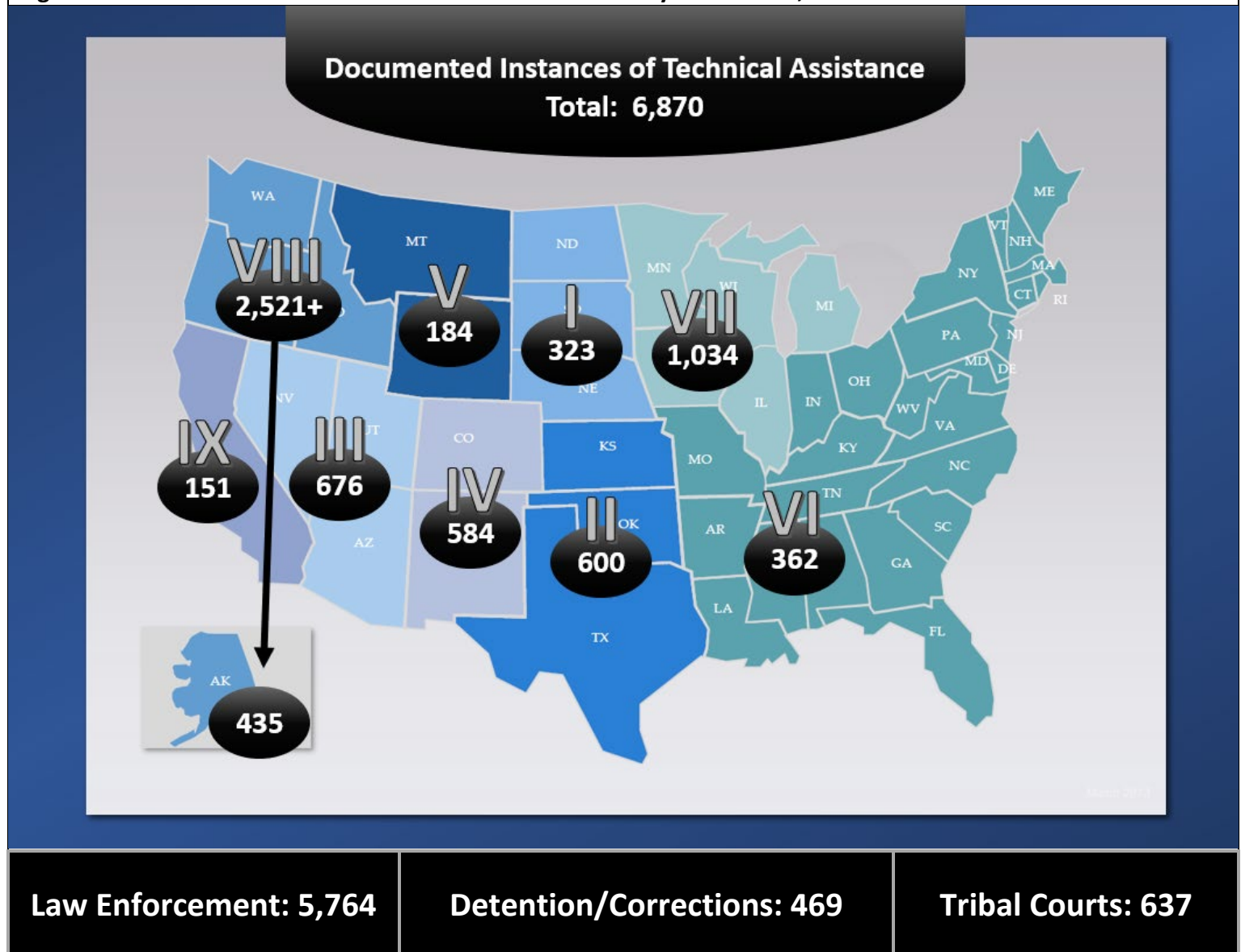
Table A-3. BIA Tribal Courts Programs Appropriations Expended and FTE by State, FY 2020

| Tribal Courts (Dollars in Thousands) | | | | | | | | | |
|---|---------------------|------------------|---|------------------------------------|-----------|--------------------------|--------|--------|---------------------------------|
| State | | Number of Tribes | Total Estimated Indian Service Population | Annual Program FTE & Cost Estimate | | FY 2020 Total FTE Funded | | | FY 2020 Appropriations Expended |
| | | | | FTE | (\$000) | BIA | Tribal | Total | (\$000) |
| P.L. 280 States: | | | | | | | | | |
| Alabama | 1 | 1,914 | 20 | 2,094 | 0 | 0 | 0 | 0 | |
| Arizona | 20 | 118,566 | 514 | 53,820 | 3 | 39 | 42 | 4,395 | |
| Colorado | 2 | 3,444 | 40 | 4,188 | 2 | 6 | 8 | 873 | |
| Connecticut | 2 | 5,859 | 40 | 4,188 | 0 | 0 | 0 | 0 | |
| District of Columbia | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Florida | 2 | 4,269 | 27 | 2,851 | 0 | 0 | 0 | 0 | |
| Iowa | 1 | 1,426 | 13 | 1,382 | 0 | 0 | 0 | 7 | |
| Idaho | 4 | 15,726 | 70 | 7,374 | 0 | 7 | 7 | 688 | |
| Kansas | 4 | 2,957 | 53 | 5,528 | 0 | 0 | 0 | 4 | |
| Louisiana | 4 | 1,985 | 35 | 3,654 | 0 | 1 | 1 | 79 | |
| Massachusetts | 2 | 3,285 | 27 | 2,851 | 0 | 3 | 3 | 266 | |
| Maine | 4 | 9,491 | 80 | 8,376 | 0 | 7 | 7 | 759 | |
| Michigan | 12 | 33,432 | 214 | 22,454 | 0 | 14 | 14 | 1,470 | |
| Mississippi | 1 | 9,199 | 30 | 3,141 | 0 | 4 | 4 | 396 | |
| Montana | 7 | 46,435 | 190 | 19,892 | 0 | 42 | 42 | 4,381 | |
| North Carolina | 1 | 8,600 | 30 | 3,141 | 0 | 8 | 8 | 857 | |
| North Dakota | 4 | 35,463 | 130 | 13,610 | 1 | 29 | 30 | 3,166 | |
| New Mexico | 23 | 245,712 | 1,046 | 109,530 | 6 | 62 | 68 | 7,161 | |
| Nevada | 18 | 48,914 | 288 | 30,209 | 0 | 8 | 8 | 856 | |
| New York | 8 | 47,564 | 174 | 18,266 | 0 | 2 | 2 | 196 | |
| Oklahoma | 38 | 471,738 | 1,819 | 190,438 | 7 | 39 | 46 | 4,808 | |
| Rhode Island | 1 | 2,046 | 20 | 2,094 | 0 | 1 | 1 | 115 | |
| South Carolina | 1 | 1,847 | 20 | 2,094 | 0 | 0 | 0 | 0 | |
| South Dakota | 8 | 71,095 | 279 | 29,170 | 0 | 52 | 52 | 5,468 | |
| Tennessee | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Texas | 3 | 2,412 | 34 | 3,521 | 0 | 1 | 1 | 142 | |
| Utah | 5 | 8,573 | 73 | 7,622 | 0 | 2 | 2 | 227 | |
| Virginia | 7 | 4,447 | 69 | 7,263 | 0 | 0 | 0 | 0 | |
| Washington | 29 | 178,956 | 590 | 61,815 | 0 | 33 | 33 | 3,415 | |
| Wyoming | 2 | 12,312 | 53 | 5,570 | 0 | 24 | 24 | 2,518 | |
| Totals | Non P.L. 280 States | 214 | 1,397,667 | 5,978 | 626,136 | 19 | 384 | 403 | 42,247 |
| P.L. 280 States: | | | | | | | | | |
| Alaska | 227 | 143,268 | 2,872 | 300,829 | 0 | 118 | 118 | 12,341 | |
| California | 104 | 281,112 | 1,951 | 204,317 | 0 | 38 | 38 | 4,008 | |
| Minnesota | 12 | 42,210 | 207 | 21,655 | 0 | 8 | 8 | 799 | |
| Nebraska | 4 | 15,360 | 86 | 9,046 | 0 | 5 | 5 | 507 | |
| Oregon | 9 | 59,121 | 210 | 22,031 | 0 | 10 | 10 | 1,015 | |
| Wisconsin | 11 | 34,876 | 240 | 25,127 | 0 | 18 | 18 | 1,884 | |
| Totals | P.L. 280 States | 367 | 575,947 | 5,566 | 583,005 | 0 | 197 | 197 | 20,554 |
| All States | | | | | | | | | |
| Grand Totals | All States | 581 | 1,973,614 | 11,544 | 1,209,141 | 19 | 581 | 600 | 62,801 |
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APPENDIX B: REPORT OF PS&J TECHNICAL ASSISTANCE / TRAINING

In accordance with Section 211 (b)(17) of TLOA, the BIA OJS maintains records documenting technical assistance and training provided to Tribes. With regard to technical assistance, various forms of communication are included, such as formal in-person or virtual meetings, written correspondence, conference and phone calls, and emails. The data are summarized below by BIA OJS District and by program, totaling 6,870 instances of technical assistance during FY 2020.

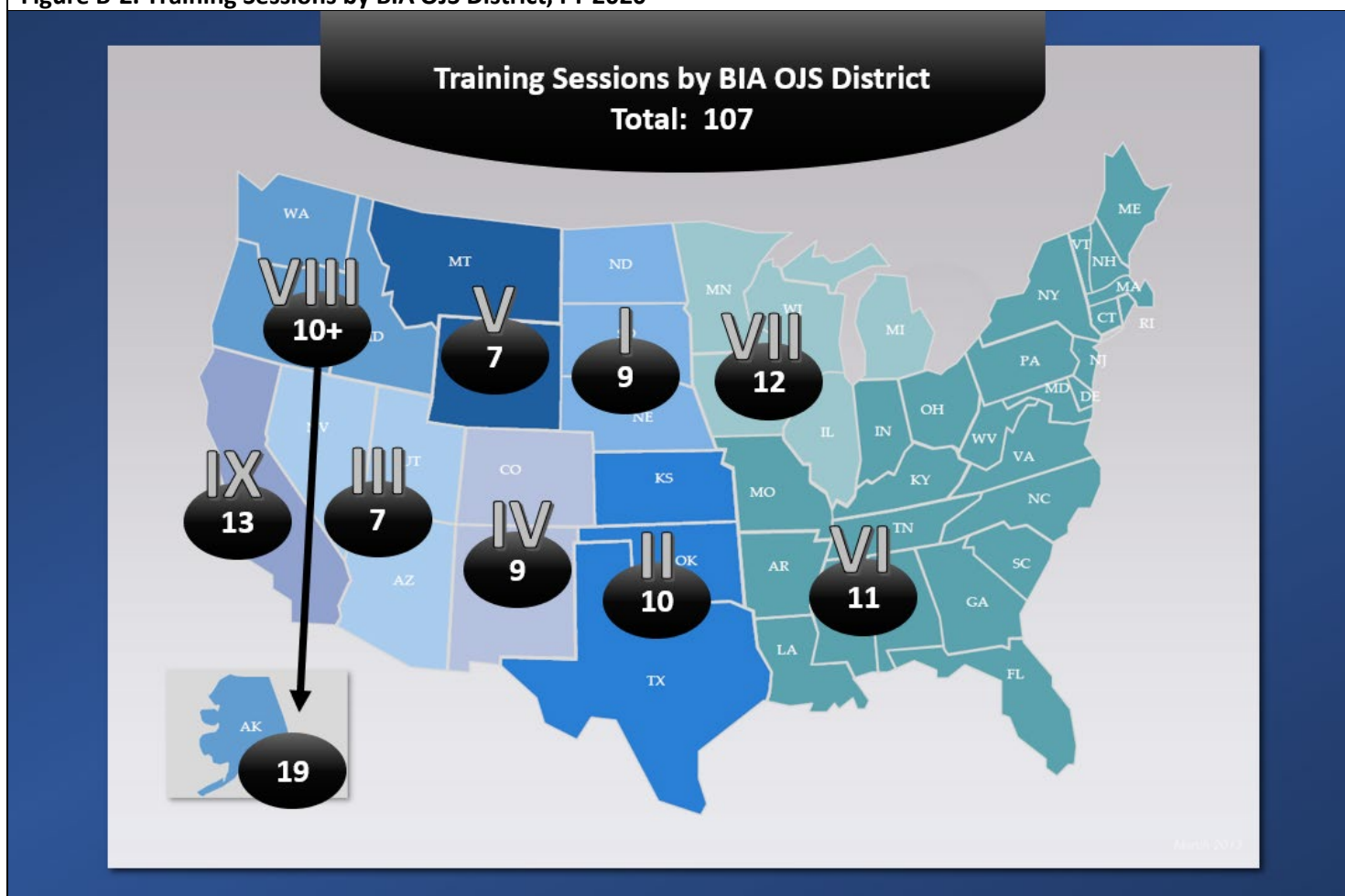
Figure B-1. Documented Instances of Technical Assistance by OJS District, FY 2020



The BIA OJS, through the U.S. Indian Police Academy and the Office of Tribal Justice Support, completed or funded 107 training sessions during FY 2020. Overall, 4,125 Tribal and Federal public safety personnel received training during the year. The number of personnel trained by type and training sessions by location are summarized below.

| Table B-1. BIA PS&J Training by Type, FY 2020 | |
|--|--------------------------------|
| Training by Type | Individuals Trained FY 2020 |
| Indian Police Academy | |
| Basic- Police Officer (Incl. Bridge Program) | 88 |
| Basic- Corrections Officer | 93 |
| Basic- Telecommunications Officer | 57 |
| Basic- Criminal Investigator | 9 |
| Advanced Courses (Artesia, NM) | 122 |
| Advanced Courses (Glynco, GA) | 1 |
| Advanced Courses (Exported to 9 OJS Districts) | 1,631 |
| Tribal Justice Support | |
| VAWA-Specific Training for court personnel | 1,699 |
| Child Welfare-Specific Training | 142 |
| Opioid/Drug Court-Specific Training | 259 |
| Other Tribal Court Training | 24 |
| Totals | 4,125 |

Figure B-2. Training Sessions by BIA OJS District, FY 2020



TLOA Section 211(b)(1) amended Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802), by inserting a Section 3(b)(16) which requires the BIA OJS to submit to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding Tribal Public Safety and Justice programs that includes—

- (A) (i) the number of full-time employees of the BIA and Tribal governments who serve as—
 - (I) criminal investigators;
 - (II) uniform police;
 - (III) police and emergency dispatchers;
 - (IV) detention officers;
 - (V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; and
 - (VI) Tribal Court judges, prosecutors, public defenders, appointed defense counsel, or related staff; and
- (ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;
- (B) a list of amounts dedicated to Law Enforcement and Detention/Corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and Tribal Court personnel, facilities, indigent defense, and related program costs;
- (C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel (including indigent defense and prosecution staff) at Tribal and BIA justice agencies, the replacement and repair needs of Tribal and BIA corrections facilities, needs for Tribal police and court facilities, and public safety and emergency communications and technology needs; and
- (D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the Public Safety and Justice programs administered by the OJS.

Section 211(b)(1) of TLOA amended Section 3 of the Indian Law Enforcement Reform Act (25 U.S.C. 2802), by inserting a Section 3(b)(17) which, requires the BIA to submit to the appropriate committees of Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to Tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Secretary.