

**A guide for tribal
law enforcement and
community stakeholders**

Break the Cycle

**Methamphetamine and
Community-Oriented
Policing in Indian Country**

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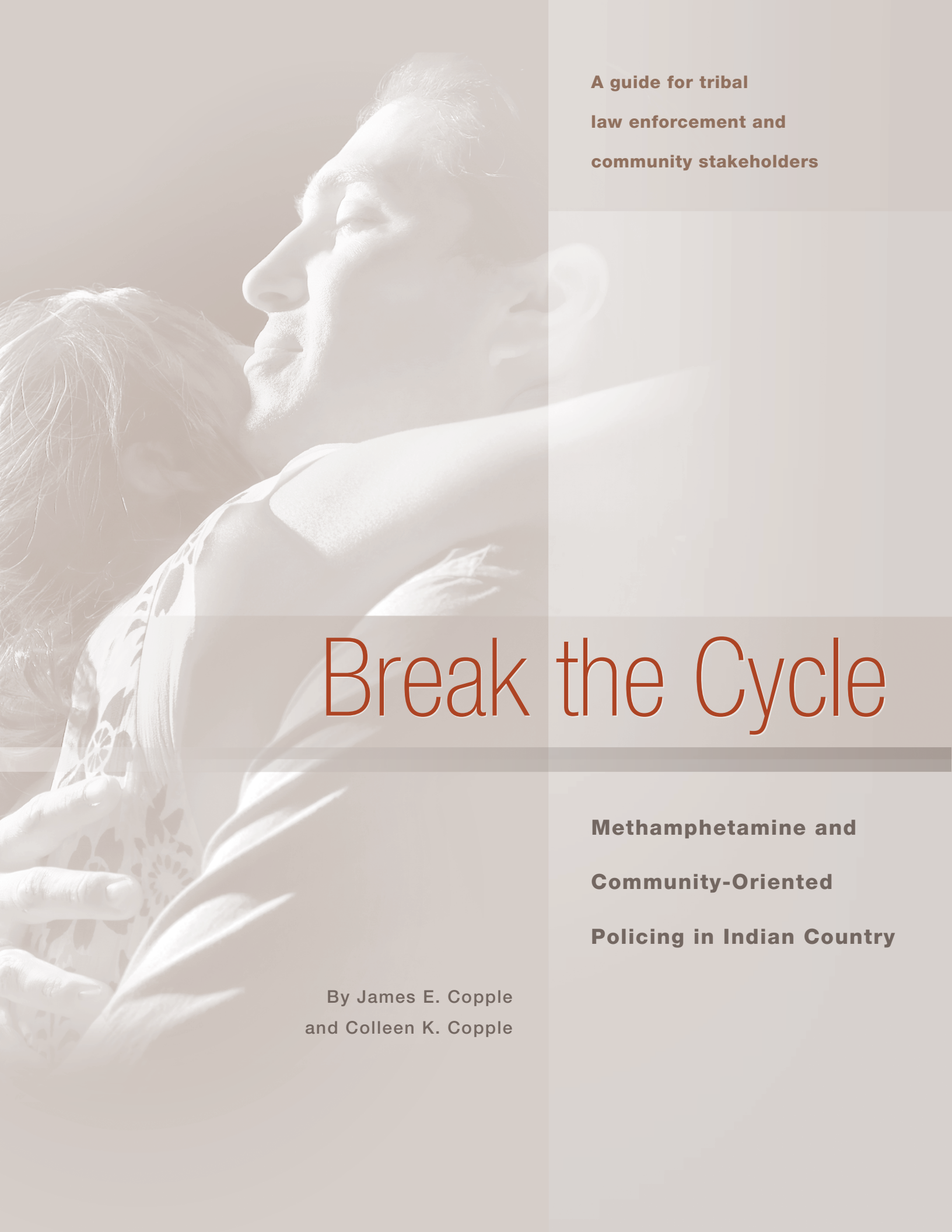
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By James E. Copple
and Colleen K. Copple



George Burba

Indian people are struggling with these problems: meth and suicide. They didn't struggle with these problems when they were young, so these problems are foreign to them, and there are no words in their languages for these problems. These problems are an evil that attacks the mind and leaves that person empty. These problems have changed the balance of things, and it isn't supposed to be like this.

Elders are supposed to be buried by the young; now the elders are burying [them]. The actions of the U.S. government have changed their way of life forever, and they don't know what to do. The uncles can't teach the nephews what they are supposed to learn to be men, so they do the best they can. This causes a gap between the young and the old, and they are losing the young to a different way of life.

Many times the men in suits come to us. We meet with them in a room, and they tell us what is wrong with us, then leave. Years later, they come again and tell us what is wrong with our people, and they leave. They do this again and again. And when they leave, we look around the room, and it is only us there with the ones who have already gone before us, our ancestors. [Our elders] knew how to survive—that is why we are here now.

These are our communities and our people, not theirs. Don't tell us what is wrong with us, then leave. What is that word they use? Empower? Empower us! Teach us so we can help ourselves because we don't know this evil that has our young ones. Don't tell us how to do it your way. We are not you. Help us so we can do it our way.

— Anonymous Alaskan elder, testimony given during the Meth and Suicide Prevention Task Force meeting at the National Congress of American Indians 68th Annual Convention, Portland, Oregon, October 2011.

Contents

Letter from the Director	vii
Acknowledgments.....	ix
About This Project	x
Executive Summary.....	xi
Unique challenges facing law enforcement in Indian country	xi
Recommendations	xii
Conclusions.....	xiii
Introduction.....	1
Methamphetamine in Indian country.....	1
Methamphetamine trafficking.....	2
Strengthening Tribal Law Enforcement	5
Community-oriented policing	7
Recommendations	9
Tribal Law Enforcement in Prevention	15
Role of the meth prevention coordinator	18
Recommendations	22
Tribal Law Enforcement in Treatment	25
Community-oriented policing in Indian country via healing to wellness courts	26
Recommendations	30
Conclusions	33
Appendix A. Geography of Tribal Lands.....	35
Appendix B. History of Tribal Judicial Systems.....	37
Formation of tribal courts	38
Public Law 280	39

Appendix C. Community-Based Participatory Research	42
CBPR's relevance to law enforcement	44
Designing and implementing CBPR projects	44
CBPR examples in tribal communities	47
Law enforcement's role in CBPR	49
Appendix D. Prioritization Planning Worksheet	51
About Strategic Applications International	53
About the COPS Office	54

Letter from the Director

Dear colleagues,

Unfortunately, we are all well aware of the violence, crime, and suffering that have resulted from the use of methamphetamines. It's a scourge that we are all dedicated to eradicating.

The COPS Office has been working to address this plague since 1998 and has seen some progress in methamphetamine prevention and treatment programs across the nation. But sadly, we have also witnessed the enduring grip this drug has had on tribal lands, where it continues to ravage communities and is particularly destructive to young people.

We must break this cycle of addiction, the violence and crime that result, and the community devastation that increases as new generations succumb to drugs. In an effort to accomplish this, SAI brought 40 tribes and eight tribal meth fellows together in a COPS Office-funded program to discuss and evaluate approaches that would meet their unique needs.

This guide, which was developed in collaboration with the tribes, is the result of those meetings. It recommends practices and innovations based on the approach that most closely conforms to Native American culture and traditions: community policing.

Building trust, working collaboratively with other stakeholders, and focusing on problem solving to prevent problems are tribal as well as core community policing values. And incorporating traditions such as talking circles and programs that encourage relationships with tribal elders leads to more effective programs.

This guide identifies practices such as these based on empirical evidence and research and recommends methods for creating working relationships among prevention specialists, law enforcement, and treatment providers in programs based on healing and restoration. Most importantly, it emphasizes the value of tradition and culture in community ownership, prevention, and treatment.

Methamphetamine addiction can not only lead to brain damage and other devastating health problems but also destroy families and communities. It is time to break this cycle—and I am proud to say that community policing is playing an important role in this effort.

We commend the work and dedication of the 40 tribal communities that are developing solutions based on their own Native traditions and values, and we thank SAI for its excellent work in research, training, and technical assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Davis', with a stylized, cursive script.

Ronald L. Davis
Director
Office of Community Oriented Policing Services

Acknowledgments

Strategic Applications International (SAI) wishes to thank the many contributors to this document. Its development was dependent on many writers and editors.

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In addition, SAI thanks Chad Pfeiffer, Eric Rodriguez, and Crystal Owens, who served as Tribal Meth fellows on the project and whose work set the foundation for several chapters in this guide.

SAI's team included Heidi Wilson, who was both a contributing writer and responsible for editing and organizing content; Julianna McCully and Jeanne Blackburn, who provided final editing and shaping of the guide; Jessica Drake, who managed the process; and Anthony Coulson, who spearheaded much of the primary research that went into developing this document and wrote major components.

We would also like to recognize contributing writers Shannon Nagel, Jennifer Zobler, and Kelsey Hampton, all of SAI, as well as Cathleen Willging of the Pacific Institute for Research and Evaluation for her work on community-based participatory research.

Finally, we wish to thank Deborah Spence of the U.S. Department of Justice's Office of Community Oriented Policing Services for her guidance in shepherding this document through development, design, and publication.

About This Project

Through a COPS Office Tribal Methamphetamine Initiative (Tribal Meth) grant, Strategic Applications International (SAI) had the privilege to work with 40 tribal law enforcement agencies and their partners in substance abuse prevention and treatment. SAI's training and technical assistance (T/TA) model promotes the role of indigenous leadership using community policing principles to address meth trafficking and its effects on tribal communities. To build a cadre of young professionals with experience addressing the effects of meth in Indian country, SAI selected eight Tribal Meth fellows from a wide range of professions and tribes. These fellows participated in the design of SAI's T/TA services, conducted research on best practices, wrote case studies, developed webinars, and contributed to this guide.

SAI provided T/TA through on-site assessments with each tribe; led tribes in an action-planning summit to fully define problems, barriers, and solutions for reducing the destructive effects of meth in Indian communities and emerging best practices; provided monthly, one-on-one TA calls; and developed, organized, and led tabletop action-planning sessions and webinars; and developed a website, www.methpedia.org, that provides meth-related information, strategies, tools, prevention programs, and treatment options.

Executive Summary

Methamphetamine has a disproportionate negative effect on tribal communities. Its use among American Indians, Alaska Natives, and Native Hawaiians is nearly double that of Whites, Hispanics, Asians, and African Americans.¹ Meth was identified by 74 percent of Indian country law enforcement agencies as their greatest drug threat.²

In response to this compelling need, the Office of Community Oriented Policing Services (COPS Office) awarded its Tribal Methamphetamine Initiative (Tribal Meth) grants to 40 tribes and selected Strategic Applications International (SAI) to provide grantees with training and technical assistance (T/TA). SAI conducted site assessments to determine technical assistance needs and emerging best practices in Indian country and then brought grantees and partners together at a strategic-action planning event, titled “Break the Cycle: Community Oriented Policing Approaches to Addressing Methamphetamine in Indian Country.” In addition, SAI worked with eight Tribal Meth fellows, who provided insight and expertise. The fellows brought to the project a wealth of experience as emerging leaders in their law enforcement or treatment-and-prevention agencies. Fellows were encouraged to think broadly and connect their work to each other’s disciplines.

Unique challenges facing law enforcement in Indian country

Indian country faces unique challenges not found in other states and non-Indian communities. Tribal law enforcement’s challenges include patrol responsibility for a vast and disconnected geography (see appendix A); legislation that limits criminal jurisdiction on reservations (see appendix B); lack of funding; low officer-to-population ratios; and lack of “professionalized” tribal law enforcement, including adequate retention policies (such as retirement plans, health benefits, and employment protections), training opportunities, succession planning, and leadership stability.

Compounding these barriers is continuing and historical trauma, a cumulative emotional and psychological wounding throughout that not only is lifelong but also extends across generations. The devastating consequence is a breakdown in cultural bonds between elders and children and among generations. Without a foundation of culture and tradition, programs to address substance abuse, prevention, and treatment will be less effective.

1. SAMHSA Office of Applied Studies, *Methamphetamine Use, Abuse, and Dependence: 2002, 2003, and 2004*, National Survey on Drug Use and Health (NSDUH) Report (September 16, 2005), 8, <http://www.csam-asam.org/sites/default/files/pdf/misc/NSDUHReport.ppt>.

2. *Methamphetamine in Indian Country: An American Problem Uniquely Affecting Indian Country* (Washington, DC: National Congress of American Indians, November 2006), http://www.justice.gov/archive/tribal/docs/fv_tjs/session_1/session1_presentations/Meth_Overview.pdf.

Interagency collaboration is a challenge for most law enforcement agencies. This is particularly true in Indian country because of its unique jurisdictional challenges. Without widespread collaboration, anti-substance abuse efforts in Indian country have limited success. Law enforcement efforts benefit from a community-policing approach that builds on trust, leadership, and interagency collaboration. Collaboration should exist between tribal agencies and across jurisdictions and include both neighboring county and state agencies, particularly law enforcement agencies.

Recommendations

This guide for tribal law enforcement and community stakeholders reflects the priorities and key information resulting from SAI's on-site assessments conducted with each tribe; input from the eight Tribal Meth fellows; technical assistance provided to each of the grantees; and the ideas, discussions, and data that emerged from the strategic-planning summit. The guide addresses the importance and value of tradition and culture in community ownership, prevention, and treatment; identifies innovations and best practices specific to meth production, distribution, and use in Indian country; and provides a series of recommendations for law enforcement and other key stakeholders.

The following recommendations, which also appear at the end of their associated chapters, are categorized according to how tribal law enforcement can use them:

Strengthening tribal law enforcement systems

- Strengthen existing tribal law enforcement agencies.
- Ensure the chief of police has autonomy over operations to create law enforcement leadership stability.
- Use a workload-based formula to develop the police department's budget.
- Create a separate authority for "charging functions" versus "deciding functions."
- Establish professional benefits for tribal law enforcement officers similar to those of their counterparts at the U.S. Department of the Interior's Bureau of Indian Affairs and their nontribal counterparts.
- Hire personnel based on nationally recognized standards, personal and professional integrity, and cultural competence.
- Adopt standardized training protocols to match requirements for state certification.
- Develop interagency agreements with neighboring, nontribal law enforcement agencies.
- Develop a strong working relationship with the tribal council, business community, and community groups.

Tribal law enforcement in prevention

- Establish a drug abuse prevention coordinator position.
- Convene meetings with tribal councils and tribal elders to develop culturally appropriate meth prevention policies and programs.
- Champion prevention programs developed in partnership with the community.
- Encourage community involvement in prevention programs.
- Conduct routine home visits for repeat offenders.
- Institutionalize prevention efforts as part of routine roles and responsibilities.

Tribal law enforcement in treatment

- Train officers on the cycle of addiction and efficacy of treatment.
- Champion culturally appropriate treatment in partnership with the community.
- Advocate treatment as an alternative to incarceration.
- Advocate that cases involving substance abuse be sent to tribal wellness court.
- Follow up with offenders who have completed treatment.

Conclusions

The SAI on-site assessment process and subsequent summit found strong voices for policing reform and the role of substance abuse prevention and treatment. This guide provides specific recommendations to create working relationships among prevention specialists, law enforcement, and treatment providers, all of whom can and should embrace cultural practices that emphasize reconciliation, healing, and restoration. There are promising practices found among the 40 tribes in this project, and those practices can be replicated in other communities.

It is time to break the cycle of meth addiction and work to engage tribal communities in finding their own solutions versus relying on prescriptions developed outside the cultural context of Native tradition and values. Community policing is a promising strategy to advance policy and practice that can move Native people and communities into a place of balance, health, and growth.

Introduction

THE USE OF METHAMPHETAMINE and other drugs is a pervasive problem in Indian country. Although headlines have focused on heroin and opiates, the meth problem has not disappeared and is actually growing.³ Meth use leads to an increase in crime and violence, abuse of women and children, damage to the environment, and a lower quality of life for tribal community residents. Controlling the drug problem is critical to maintaining healthy and safe communities in Indian country. This is a difficult task because of several factors, including geography, legislation that limits criminal jurisdiction in Indian country, and issues facing tribal law enforcement.

Methamphetamine in Indian country

Data on meth use in Indian country was well documented eight years ago, but little new data exists—and it is greatly needed. Meanwhile, previous research showed that meth has had a disproportionate negative effect on tribal communities. Meth use among American Indians, Alaska Natives, and Native Hawaiians was nearly double that of other ethnicities.⁴ Of Indian country law enforcement agencies, 74 percent identified meth as their greatest drug threat, but its effect is not limited to use.⁵ The Federal Bureau of Investigation estimates that up to 40 percent of violent crime on reservations involves meth,⁶ and some tribes have estimated that parental meth addiction accounts for “65 percent of all cases involving child neglect and placement of children in foster care.”⁷ The resulting burden on tribal institutions (e.g., criminal justice, public health, treatment, and child protection) has overwhelmed the ability of such agencies to respond. According to a survey conducted by the Bureau of Indian Affairs’ (BIA) Office of Law Enforcement Services, 90 percent of tribal police needed additional drug-investigation training.⁸

3. *2014 National Drug Threat Assessment Summary* (Washington, DC: Drug Enforcement Administration, 2014), <http://www.dea.gov/resource-center/dir-ndta-unclass.pdf>.

4. SAMHSA, *Methamphetamine Use, Abuse, and Dependence* (see note 1).

5. *Methamphetamine in Indian Country*, 2 (see note 2).

6. Ibid.

7. *The Problem of Methamphetamine in Indian Country*, hearing before the Committee on Indian Affairs, S. Hrg., 190th Cong. 499, 2nd session (2006) (statement of Ivan D. Posey, Chairman of the Eastern Shoshone Business Council).

8. *FY 2010 Tribal Methamphetamine Initiative (Tribal Meth)*, Fact Sheet (Washington, DC: Office of Community Oriented Policing Services, September 2010), http://www.cops.usdoj.gov/pdf/fact_sheets/e06107285-TribalMeth-FactSheet_093010.pdf.

According to information compiled by the National Congress of American Indians, drawn from a 2005 BIA Office of Law Enforcement Services survey⁹ and the National Indian Child Welfare Association:

- 74 percent of tribal police departments rank meth the greatest drug threat;
- 64 percent of tribal police indicate an increase in domestic violence and assault/battery;
- 80 to 85 percent of Indian families in child-welfare systems are estimated to have drug- or alcohol-abuse issues.¹⁰

Indian country faces an even greater threat than meth alone: Strategic Applications International (SAI) site assessments show that meth, prescription opiates, and heroin have a devastating combined impact that is well-established in Indian country. Meth addiction creates a demand for prescription opiates (e.g., OxyContin or Vicodin). Addiction to prescription opiates tends to lead to heroin use, which is cheaper and more readily available. And while opiate and heroin use has grown in Indian Country, meth use has not diminished.

Methamphetamine trafficking

There are two basic types of meth: levomethamphetamine (also known as l-meth) and dextromethamphetamine (also known as d-meth). Mexico is the predominant source of meth in Indian country. This relationship is important because Mexican meth is largely d-meth made by the ephedrine-reduction process.

D-meth is approximately 10 times as physiologically active as l-meth. D-meth increases heart rate, blood pressure, body temperature, and respirations; dilates the pupils; and has fewer adverse side-effects than l-meth. The extreme nature of d-meth's pleasure-boosting abilities makes it so addictive to its users. In addition, d-meth produces effects within the sympathetic nervous system that are typically anywhere from two to 10 times as powerful as the effects of l-meth. Because d-meth produces particularly intense mind alteration when compared to other forms of meth, it comes with higher abuse and addiction risks for its users.¹¹ Called "ice" or "glass" by users and law enforcement, d-meth is quantified by the Drug Enforcement Administration (DEA) Office of Forensic Science as a substance with a tested purity of 85 percent or higher.

9. *National Methamphetamine Initiative Survey: The Status of the Methamphetamine Threat and Impact on Indian Lands—An Analysis* (New Mexico Investigative Support Center, 2006), http://www.fortpecktribes.org/fmpmp/news/pdf/BIA_MethSurvey.pdf.

10. National Congress of American Indians, "Methamphetamine in Indian Country: An American Problem Uniquely Affecting Indian Country—An NCAI Briefing Paper," *Native American Law Digest* 16, no. 12 (December 2006): 1.

11. "Types of Methamphetamine," Drug Addiction Treatment, accessed September 25, 2015, <http://www.drugaddictiontreatment.com/types-of-addiction/stimulants-types-of-addiction/types-of-methamphetamine/>.

L-meth affects the central nervous system, but its effects are weaker and somewhat shorter than those of d-meth. The SAI team found that d-meth was the most common form of meth in nearly all grantee communities (northeastern Oklahoma and Kansas are exceptions).

In northeast Oklahoma and Kansas, the “one-pot” or “bottle” method of making d- and l-meth is the most popular (and most hazardous) method of making “dirty” meth in small user quantities. The bottle method often results in explosion and fire. Discarded soda bottles that contain still-active catalyst chemicals pose threats of fire and chemical hazards to children who pick them up or shake them, causing a flammable and caustic reaction. In northeast Oklahoma and Kansas, reservations are littered with hazardous waste (a one-to-six ratio of finished product to hazardous waste), creating environmental dangers. SAI site assessments and follow-up contacts with grantees show the bottle method is expanding to grantee tribes in Nebraska, southern Minnesota, South Dakota, and North Dakota; however, this expansion has slowed because of the unprecedented availability of cheap, high-quality Mexican meth.

SAI assessment interviews, data collection, and direct reports from local law enforcement and the DEA reveal that meth comes to reservations in several ways. Generally, non-Indian distributors import meth from the nearest major urban areas. As an example, personal interviews with a confidential source indicate that Chicago traffickers supply Midwest and northern tribes through Milwaukee, Minneapolis, Sioux City, Sioux Falls, and Bismarck. Likewise, Hispanic gangs in Dallas appear to supply most of the Oklahoma and Kansas grantee tribes. A major Sinaloa Cartel supply route in the West has been known to carry meth to reservations through San Diego, Los Angeles, San Francisco, Portland, Seattle, Salt Lake City, and Denver. The SAI site assessments found that primarily Hispanic traffickers meet local Native-American distributors in tribal areas. Particularly concerning, according to congressional testimony, is that the average Native-American gang member is 15 years old—and getting younger. Police report that gangs, to avoid prosecutions, use Native-American children as young as eight to carry drugs and participate in other gang activities.¹²

Native-American distributors seldom travel to the urban areas. This differs from trafficking in other rural areas, where rural traffickers go to urban areas to make wholesale purchases. Because tribal police have no jurisdiction over non-Indians and because nontribal law enforcement with the authority to make such arrests may not prioritize criminal activity on tribal lands, non-Native distributors on tribal lands may fall through law enforcement cracks.

SAI assessments highlight that casinos are a gateway to trafficking on most reservations. Designed to attract large numbers of nontribal visitors, the hotel-casino infrastructure (the physical “plant”) allows urban traffickers easy entry to tribal lands. Observations and inter

12. *Examining the Increase of Gang Activity in Indian Country, Before the Comm. on Indian Affairs*, 111th Cong., 1st sess. (2009), S. Hrg. 111-263.

views with grantee law enforcement indicate that this gaming gateway has not been adequately pursued or addressed. Most reservations rely on gaming as a primary source of revenue and employment, so issues of trafficking in casinos will require collaboration between gaming and tribal law enforcement.

Law enforcement and tribal member interviews during the site assessments revealed that the oil industry represents another trafficking gateway. Oil is the blessing and curse of grantees in North Dakota and eastern Montana. The proliferation of oil drilling on tribal lands has led to a sharp increase in the number of oil workers, almost all of whom are White, from across the United States. Oil workers may use meth to cope with long, strenuous hours in remote locations. Increasing amounts of meth on tribal lands because of usage among oil workers can increase access and addiction among members of the tribe. Tribal law enforcement agencies in North Dakota and Montana report that the widespread use of drugs by oil workers increased meth use by neighboring tribes and fueled the rise of violent crime, including rape, to unprecedented levels. Tribal law enforcement was not initially prepared to meet the increase in meth use and related public-safety threats on reservations in North Dakota and Montana.

Meth in Indian country is inextricably tied to supply-side reduction efforts by others. Absent checkpoint searches of every vehicle coming onto the reservation or tribal lands, tribes are dependent on the success or failure of the United States's relationship with Mexico, interdiction efforts at the United States-Mexico border, and nontribal law enforcement targeting distribution networks that feed reservations and tribal lands.

Nevertheless, meth in Indian country should not be the only focus for tribal law enforcement. There is no single substance threat to Indian country. Considering that meth, prescription opiates, and heroin use are inextricably linked, efforts that focus only on meth and exclude other substances are destined to fail. Indeed, to have the biggest impact, any programming and policies should address the risk and protective factors found by the Substance Abuse and Mental Health Services Administration (SAMHSA) to be common to abuse of alcohol and other drugs,¹³ as well as those that have been found to be common to substance abuse or mental illness among Alaska Native and Native-American populations.¹⁴

13. Visit SAMHSA's "Grantee Stories, Tools, and Other Resources" web page at <http://www.samhsa.gov/capt/tools-learning-resources>, and under the "Prevention Tools" drop-down menu, select "Risk and Protective Factors."

14. "Risk and Protective Factors for Substance Abuse and/or Mental Health Problems Among Alaska Native and Native American Populations," last modified September 24, 2015, <http://www.samhsa.gov/capt/tools-learning-resources/risk-protective-factors-alaska-native-native-american>.

Strengthening Tribal Law Enforcement

INDIAN COUNTRY HAS THREE TYPES OF LAW ENFORCEMENT ARRANGEMENTS—BIA 638-contracted, BIA-administered, and tribal-funded police departments. Each has its own challenges and benefits.

Regarding the first type, BIA 638-contracted police departments are the most common administrative arrangement for tribal police departments. This type is organized under the auspices of the Indian Self-Determination and Education Assistance Act of 1975, or Public Law 93–638, which enables tribes “to establish their own government functions” by contracting with the BIA’s Office of Justice Services. “A 638 contract establishes the department’s organizational framework and performance standards and provides basic funding for the police function. Officers and non-sworn staff of these departments are tribal employees.”¹⁵

Amendments to the act provide for “self-governance compacts,” which are similar to 638 contracts but allow tribes even more control. Under these arrangements, the tribe substitutes its own law enforcement agency for the BIA. In addition, under the Tribal Law and Order Act (TLOA), tribal police can have special law enforcement commissions when negotiated between the BIA and tribe. Because the tribal police are acting in place of a federal agency, these commissions give them jurisdiction over non-Indians. In most states, however, BIA and tribal police officers are not given peace officer status, meaning they cannot enforce state laws and are not given the same legal status as fellow state police officers. This is a significant handicap when tribal officers conduct any type of policing on reservations that involves non-Indians, especially those living on reservations.

Next, BIA-administered police departments are the second most common type of police department in Indian country, and the staff are employees of the Federal Government. Under this arrangement, the BIA superintendent oversees all or most BIA functions on that tribal land.¹⁶

Last, the third type, tribal-funded police departments, provides tribes with a level of autonomy, but tribes lack full jurisdiction to make arrests within their communities. Tribal police cannot arrest non-Indians nor make arrests for felony crimes, which significantly limits their ability to effectively provide community security.¹⁷

15. “Tribal Law Enforcement,” Tribal Court Clearinghouse, accessed August 14, 2014, <http://www.tribal-institute.org/lists/enforcement.htm>.

16. Ibid.

17. *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978).

Regardless of design, police in Indian territories are overworked and underfunded. “On tribal lands, 1.3 officers must serve every 1,000 citizens, compared to 2.9 officers per 1,000 citizens in non-Indian communities with populations under 10,000.”¹⁸ The U.S. Senate report accompanying the TLOA notes that fewer than 3,000 BIA and tribal law enforcement officers patrol more than 56 million acres in 35 states. When compared to similar rural communities nationwide, this amounts to an approximate unmet staffing need of 40 percent. The unmet staffing need is even greater on some reservations. According to the report, the police shortage in Indian country can also be explained by “the lack of funding for BIA and tribal police officers, [and] the difficulty in recruiting, training, and retaining new police and corrections officers adds to the problem.”¹⁹

The TLOA attempts to address the problems of law enforcement in a number of ways. It increases recruitment and retention efforts for BIA and tribal police. The act reinforces collaboration between BIA and tribal police and provides both with the option of training at state police academies (in addition to tribal, state, and local colleges), which is consistent with federal law enforcement training standards; thereby, the act significantly expands officer training options. The TLOA also increases tribal officers’ arrest authority on the reservation. An amendment to the Controlled Substances Act allows a tribal officer designated by the attorney general to make a warrantless arrest if the officer has probable cause to believe the suspect committed a felony under federal law or if the officer observed the suspect commit any crime against the United States.

Many tribal police departments have no access to criminal history records and are “severely impeded and marginalized” by this lack of access.²⁰ The TLOA provides tribal police greater access to national criminal-justice databases, such as the Interstate Identification Index (III) and the National Crime Information Center (NCIC). These databases provide essential criminal history information to officers detaining or arresting a suspect and, likewise, allow officers to enter information into the database. Access to the III and NCIC allows tribal police to interact with the broader law enforcement community and adds legitimacy to efforts of tribal police in that community.

The TLOA takes other measures intended to incentivize increased coordination among various police forces in and around Indian country. For instance, the U.S. attorney general is authorized to “provide technical and other assistance to state, tribal, and local governments that enter into cooperative agreements, including agreements relating to mutual aid, hot-pursuit

18. “Tribal Law Enforcement” (see note 15).

19. *The Tribal Law and Order Act of 2009*, 111th Cong., 1st sess. (2009–2010), S. report 111–093, 7 (Mr. Dorgan, from the Committee on Indian Affairs).

20. David Patton, “Tribal Law and Order Act of 2010: Breathing Life into the Miner’s Canary,” *Gonzaga Law Review* 47, no. 767 (2012): 17.

of suspects, and cross-deputization.” In helping tribal police departments grow, the TLOA implicitly acknowledges that tribal police, when properly empowered and funded, can be the greatest deterrent to crime in Indian country.

Community-oriented policing

Community-oriented policing is based on the philosophy that communities and police share the resources and responsibility for solving problems that threaten a community’s safety and well-being. The Office of Community Oriented Policing Services (COPS Office) emphasizes organizational strategies that support the systematic use of partnerships and problem-solving techniques to proactively address conditions that lead to public safety issues such as crime, social disorder, and fear of crime.²¹

Community policing is built on three pillars: problem solving, partnerships, and organizational transformation. Police can respond to criminal activity, but they rarely solve problems on their own; communities must be involved. With community policing, law enforcement develops relationships within the community to establish trust and better address problems that cause crime. To be able to create partnerships and proactively solve problems, police departments must be organized and managed to support the philosophy behind community policing. Community policing focuses on both responding to crime and working with the community to develop responses to the conditions that create public safety problems.

The SARA (scanning, analysis, response, and assessment) problem-solving model is used to determine the cause of the problem, as well as to develop and evaluate appropriate and meaningful responses. This includes

- scanning: identifying and prioritizing problems within the community;
- analysis: researching what is known about the victim, offender, and location;
- response: developing solutions to bring about community cohesion and lasting reductions in the number and extent of problems;
- assessment: evaluating the efficacy of the selected responses.

This is an iterative process involving ongoing scanning, analysis, response, and assessment. Using a community-policing model, officers are still able to focus on the immediate conditions within their reach, such as limiting criminal opportunities or increasing guardianships for potential victims and handlers for potential offenders,²² while working with community leaders and business owners (tribal elders, tribal councils, casino owners, etc.).

21. “About,” Office of Community Oriented Policing Services, accessed September 10, 2015, <http://www.cops.usdoj.gov/Default.asp?Item=35>.

22. *Community Policing Defined* (Washington, DC: Office of Community Policing Services, 2014), <http://ric-zai-inc.com/Publications/cops-p157-pub.pdf>.

Wind River Home-Visit Operation

The Wind River Indian Reservation comprises two tribes, the Northern Arapaho and the Eastern Shoshone, in the state of Wyoming and has a population of approximately 12,000 enrolled members (3,900 Northern Arapaho and 8,000 Eastern Shoshone). This reservation is the seventh largest in the United States. At the time of assessment, Wind River's unemployment rate was 80 percent, and life expectancy was 49 years. BIA Chief Joseph Brooks of the Wind River Police Department had six police officers prior to 2010, and the average response time to a call was about two hours.

In May 2010, the BIA initiated a six-month "surge" operation at Wind River, bringing approximately 30 National Park Service rangers, BIA police officers, and Indian country law enforcement officers with BIA training-certification on a 30-day rotation. The joint tribal council of Wind River was notified eight months prior to beginning the operation, but how that was communicated to the community differed greatly, depending on the tribe. Hundreds of arrests occurred quickly, overwhelming the Wind River judicial system. The rotation of almost 100 law enforcement officers from all over the United States meant that prosecutors did not have easy access to law enforcement to prepare for prosecution. It became cost prohibitive to pay for these officers to travel back to Wind River. In addition, judges were members of either the Eastern Shoshone or Northern Arapaho tribe, and tribal prosecutors worked directly for the judges. In a number of instances, defendants had some relationship with the prosecutor or the judge associated with his or her case, and these factors led to the dismissal of almost all charges against surge defendants.

Chief Brooks then designed a program using the approximately 20 officers working Wind River after the surge. In this effort, law enforcement focused on prevention efforts for repeat offenders. The chief found that relatively few individuals were responsible for the majority of crimes.

To have the largest impact using the fewest resources, Chief Brooks implemented "Operation Sittin' Eagle," an alternative to incarceration wherein the intervention involved frequent home visits to each repeat offender. Personnel researched when each repeat-offending tribal member was most likely to drink, get drunk, or use drugs. Then, two BIA police officers were assigned to visit each repeat offender's home around the estimated time an individual would begin drinking or using drugs. If no one was there, officers left a door hanger indicating the time police visited.

Law enforcement also greeted neighboring residents, a simple intervention with two key effects. First, the community gave police information about criminal activity in their neighborhoods. Second, repeat offenders no longer posed a threat. Drug users either stopped using or left the reservation. Some users may have sought treatment because of police disrupting drug and alcohol use. If a repeat offender changed the time he or she drank or used drugs, police simply changed their visit times. Repeat offenders who did not seek treatment generally moved. If they moved to another location on the reservation, officers followed. Most often, repeat offenders left the Wind River Indian Reservation altogether. In the year after the home-visit program started, service calls dropped from 600 per month during the surge to 163 per month, and DUI deaths dropped by 100 percent.

Source: This case study is based on interviews and focus groups conducted May 1–4, 2012 at the "Break the Cycle: Methamphetamine and Community Oriented Policing in Indian Country" summit hosted by Strategic Applications International and the Office of Community Oriented Policing Services.

Recommendations

The following recommendations primarily focus on the organizational transformation and structural aspects of community policing and provide a foundation for good problem solving. This emphasis is the direct result of input from the 40 Tribal Meth grantees during the action-planning summit addressing the barriers they face as tribal law enforcement agencies. Such transformation is not easy to implement. At the very least, it requires money and political will beyond the tribal police department that may not currently exist.

To break these recommendations down into short-, medium-, and long-term goals, agencies may want to score each recommendation based on its level of impact (low, medium, high) and feasibility. Recommendations that have high impact and high feasibility should be a high priority, and the agency should develop an immediate implementation plan. Recommendations that require advocacy within and outside of the tribal police department, grant funding, and memoranda of understanding (MOU) with other agencies and organizations may require the development of resources, including relationships, for implementation, which should be noted in the implementation plan. See appendix D for a sample prioritization planning worksheet.

1 | Strengthen existing tribal law enforcement agencies.

Among the 40 tribes assessed, self-governed tribal law enforcement agencies seemed to have stronger leadership and a more robust public safety program with strong ties to neighboring law enforcement agencies. Examples include White Earth Nation, Wyandotte, Quapaw, Chickasaw, Keweenaw Bay, Te-Moak, Kalispel, Coquille, Warm Springs, and Cherokee.

2 | Ensure the chief of police has autonomy over operations to create law enforcement leadership stability.

Revolving law enforcement leadership is destabilizing to any community, but instability has an even greater impact on tribal communities. By January 2012, more than half (21 of 40) of the 2010–2011 COPS Office Tribal Meth grantee police chiefs (638-contracted, BIA, or self-governed) were new to the position since inception of their COPS Office grant.

Stable leadership is an important factor in actualizing public safety service that benefits the community. Many municipal and state governments address this by committing to a minimum five-year contract that requires the contract be paid-in-full if that municipality or state decides to dismiss the police chief before completion of the full term. However, when tribal councils have the ability to hire and fire the police chief at will, such a contract may not ensure leadership stability, only that the police chief is paid. This would have the unintended consequence of cost to the tribe to pay the contract using law enforcement money that is already scarce.

Another approach is a contractual agreement that allows the tribal chief of police autonomy over day-to-day operations of training, special operations, and other police functions but leaves control for issues involving the tribe's sovereignty to the tribal council. Such an arrangement would give the police chief the ability to create a department to suit community needs and may limit overt political influence in hiring and firing law enforcement leadership. In the grantee population, 21 of 40 police chief turnovers involved dismissal based on politics, not competence.

3 | **Use a workload-based formula to develop the police department's budget.**

According to the COPS Office and a Michigan State University School of Criminal Justice study,²³ the best method for determining an effective staffing level (and related budget) is workload-based approaches that derive staffing indicators from demand for service, which estimates future staffing needs by modeling current levels of activity. The steps of a workload-based assessment are as follows:

- Examine the distribution of calls for service by hour, day, and month.
- Examine the nature of calls.
- Estimate time consumed on calls for service.
- Calculate an agency shift-relief factor.
- Establish performance objectives.
- Provide staffing estimates.²⁴

If possible, a workload-based budget, which should be institutionalized in the tribal constitution, protects public safety for the long term and reinforces a fixed-year contract for a chief of police. If changes to the constitution are prohibitive, tribal councils should, at a minimum, appropriate a workload-based budget for law enforcement. As tribes grow and law enforcement needs increase, tribal leadership can use this type of budget to determine the role of possible federal grants to supplement tribal contributions for maintaining an active, healthy, and effective police department.

23. Jeremy M. Wilson and Alexander Weiss, *A Performance-Based Approach to Police Staffing and Allocation* (Washington, DC: Office of Community Oriented Policing Services, 2014), <http://ric-zai-inc.com/Publications/cops-p247-pub.pdf>.

24. Jeremy M. Wilson and Alexander Weiss, "How Many Police Officers Do You Need? A Performance-Based Approach to Police Staffing and Allocation," *Community Policing Dispatch* 5, no. 11 (November 2012), <http://cops.usdoj.gov/html/dispatch/11-2012/how.many.officers.asp>.

4 | **Create a separate authority for “charging functions” versus “deciding functions.”**

In many tribes, prosecution of tribal law is under direct authority of the tribal government’s judicial branch. Tribes with a prosecutor under the supervision of a judge run the risk of appearing biased and even corrupt, resulting in diminished community trust in the administration of justice. Judiciaries should be seen as impartial, and tribes should consider policies and laws that give their criminal justice system the appropriate integrity, independence, and oversight.

A strong first step is to place prosecution of tribal law under a separate, executive office within tribal government, leaving judges independent under the judicial branch. Alternatively, some tribes have adopted a justice executive director position that oversees the chief of police, chief judge, and chief prosecutor, providing a political buffer between law enforcement and the tribal council. If these recommendations are prohibitive because of required constitutional changes, the prosecutor’s contract may be written to provide a degree of autonomy between the prosecutor’s office and the judiciary.

5 | **Establish professional benefits for tribal law enforcement officers similar to those of their BIA and nontribal counterparts.**

BIA police are federal officers under the U.S. Department of the Interior (DOI) and are afforded the protections of federal employees, including merit-protection status and “6e” law enforcement and firefighter retirement benefits that allow officers to retire with a pension or annuity at age 50 upon 20 years of continuous federal service. In addition, BIA law enforcement training is contracted out to the U.S. Department of Homeland Security’s federal training centers in Glynco, Georgia, or Artesia, New Mexico. A 16-week training course that includes basic law enforcement is conducted among 91 other law enforcement agencies that use this academy.

A majority of the Public Law 93-638-contracted and self-governed tribal law enforcement organizations do not afford police officers the same level of professional benefits as their municipal, county, and state counterparts. They are tribal employees. Pay is often low and turnover high. A competent tribal officer without professional parity likely will not serve more than a couple of years before moving into a municipal, county, or state law enforcement position.

Sworn law enforcement personnel should have pay parity with municipal and county law enforcement in their region or area. Professionalization is defined by the tribe committing to a retirement plan, health benefits, and employment protections. Professionalization directly affects retention, and retention becomes experience and a level of community service that cannot be replicated.

6

Hire personnel based on nationally recognized standards, personal and professional integrity, and cultural competence.

The challenge for all law enforcement organizations is to build and sustain a mature organization, and longevity in the department and community is critical to this aim. Similarly, effective staffing requires law enforcement knowledge and competence, personal and professional integrity, and cultural competence.

These three components are central to community-oriented policing. There are many examples of knowledgeable officers who lack cultural competence and have alienated communities, compromising community trust and cooperation for the entire police force. Evaluating cultural

Establishing these kinds of hiring practices, along with pay and benefits to retain officers, means quality sworn personnel eventually age into leadership positions within the tribal law enforcement organization.

competence should be part of both hiring and training protocols.

Equally, police officers who are able to build community trust but lack sufficient police training cannot adequately address public safety.

Tribal law enforcement agencies should hire qualified candidates, regardless of their citizenship to the tribe. Competent personnel—established through standard hiring thresholds and sustained by enforced standards of conduct and disciplined,

multi-tiered supervision—provide the best level of service. A strong hiring process begins with patience. It is better to wait for the right candidate than to make a borderline selection to fill a position quickly. Tribal law enforcement agencies should require candidates meet the same or stricter standards mandated by state law enforcement certification authorities (such as a community emergency response team [CERT] or the Commission on Peace Officer Standards and Training [POST]), including completing drug questionnaires, supplying criminal histories, and meeting physical and mental health conditions.

Maintaining these standards bears directly on reciprocity with other law enforcement agencies. In states governed by Public Law 280 (particularly California), which initially eliminated most BIA criminal jurisdiction in Indian country, some sheriffs have not allowed tribal law enforcement access to state law enforcement indices for motor vehicle and driver's license information, including their criminal justice information system for criminal histories and NCIC for active extraditable wants and warrants (see "Public Law 280" on page 39). This may be due to the perception that tribal law enforcement officers are not held to similar competency standards.

7

Adopt standardized training protocols to match requirements for state certification.

Tribal law enforcement organizations must invest in adequate training and certifications. SAI found many instances in which training was not locally available to tribes or funding to acquire training was insufficient. This included firearms training, tactical-situation training,

interviewing techniques, source development, first-responder medical certifications, and drug identification. Basic law enforcement certification for some tribes was missing, with tribes relying on BIA training at Artesia, New Mexico.

The most effective tribal law enforcement agencies have standardized training protocols to match requirements for state certification. Sending new hires to state or local police academies that graduate and certify the officers means they have authority to make arrests on and off reservations and tribal areas. These tribal law enforcement agencies also have established agreements with county and municipal law enforcement.

If appropriate training is provided and fully used, the tribal law enforcement agency will have competition for first-line supervisory positions. Once an officer is identified for a supervisory position, it is important that the officer successfully complete leadership and management training commensurate with the position. A number of aspects of supervision are important to maintaining the community's trust, and this first-line supervisory position also has initial responsibility for organizational stewardship. A good police officer does not necessarily equate to good leadership. Leadership is a function that occurs in front of a desk; management occurs behind a desk. Both are key to maintaining organizational integrity.

8 | Develop interagency agreements with neighboring, nontribal law enforcement agencies.

Addressing substance abuse necessitates trusting relationships between tribal law enforcement and outside agencies. MOUs formalize how law enforcement agencies interact. For example, does the tribe use the county jail, dispatch, mutual aid, or services such as those for juveniles and women? This understanding is key to successful tribal law enforcement efforts.

Site assessments found that trusted relationships with other law enforcement entities result in a strong tribal law enforcement organization. Strong interagency relationships also allow for resource sharing, including surveillance equipment; forensic and specialized expertise; training opportunities; and other invaluable options and infrastructure.

There are excellent examples of interagency cooperation with nontribal law enforcement that directly benefit tribes. Wyandotte and Quapaw participate in a regional drug task force with other northeast Oklahoma tribes, the county sheriff, municipal police, and the BIA. Los Coyotes Band in San Diego County, California, had its detective deputized and assigned to a task force affiliated with the U.S. Office of National Drug Control Policy's High Intensity Drug Trafficking Area program in the northern part of San Diego County. The task force was able to bring undercover and surveillance resources onto the Los Coyotes Indian Reservation to remove drug traffickers.

Interagency agreements can be prohibitive because of long-established animosity. In some cases, returning jurisdiction to tribal police, as recommended by the TLOA's Indian Law and Order Commission, or implementing statewide legislation to recognize tribal officers as peace officers in the state (as done by Oregon and New Mexico) may be more efficient solutions. Nevertheless, cross jurisdiction collaboration is necessary because crime does not recognize political boundaries.

9 | Develop a strong working relationship with the tribal council, the business community, and community groups.

Many recommendations require political will. Developing trust and respect within the tribal council helps develop the political will necessary to strengthen the police department. Relationships with other community leaders enhance the success of police advocacy.

Tribal Law Enforcement in Prevention

THE CHALLENGE OF METHAMPHETAMINE in Indian country is complex, but prevention is key to a holistic, multidimensional solution. Prevention efforts reduce crime and allow law enforcement organizations to move from a reactive response to more proactive and collaborative approach. In SAI interviews, tribal law enforcement officials identified a child- and parent-focused prevention program that includes mentoring, activities, role models, and goal development. Working with community groups in support of their missions has the benefit of increasing public trust and contributes to leadership and program development within the law enforcement organization.

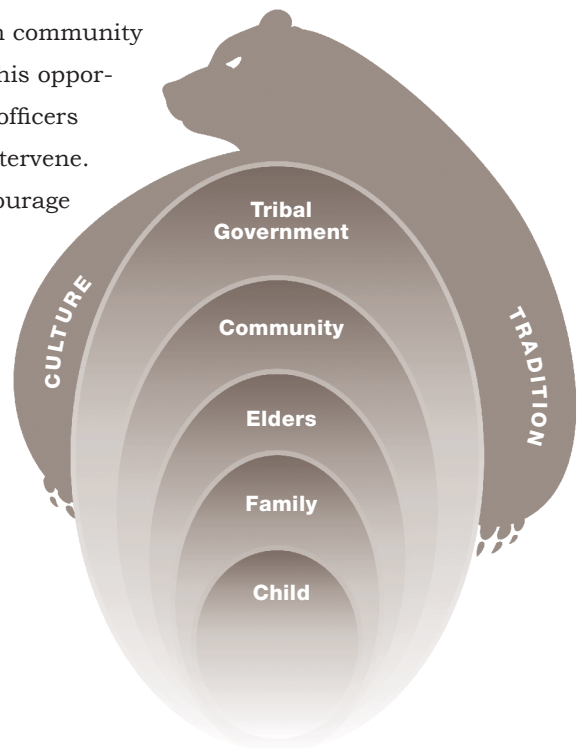
However, assessments show a majority of the 40 sites did not have significant prevention programs. Some tribal police organizations support and participate in one or two activities, but few fully maximize the positive potential of this critical law enforcement function.

COPS Office Tribal Meth grant sites that used grant funding to hire a meth prevention coordinator were often leading prevention efforts in their respective tribal areas, including White Earth, Shoshone-Bannock, Sisseton-Wahpeton Oyate, and Kalispel. Coincidentally, site assessments showed excellent tribal law enforcement organization representation with strong leadership and institutionalized policies and practices in these tribes as well. With limited resources already stretched thin, tribal law enforcement has a vested interest in encouraging and promoting prevention programs for meth and other illicit drugs.

With a prevention approach, police officers interact with community members daily and recognize at-risk behavior. Absent this opportunity for regular contact and relationships, frustrated officers often must wait until a law is broken before they can intervene. Officers can use their influence to affect policy and encourage adoption and use of prevention programs that allow earlier, positive intervention.

Figure 1. Relationship model for tribal prevention programs

Each segment of the larger tribal community forms a protective barrier around the smaller segment, using culture and tradition as the foundational framework.



For any drug prevention program, it is important to develop resilience, specifically among youths. Children and teens considered resilient are less likely to participate in harmful activities such as substance abuse and have greater success in school, demonstrate healthier interactions with peers and adults, use good communication and problem-solving skills, have a more constructive outlook on life, and exhibit a more positive self-concept. The White Earth Nation's Brother Eagle program is an excellent example of a program that emphasizes culturally focused education targeting children to foster resilience. The White Earth Police Department created age-appropriate videos and workbooks explaining the dangers of drugs, as well as where and how a child facing difficult situations can find help and solace.

Based on the National Longitudinal Survey of Youth and research by the Rand Corporation validating youth resilience factors, five resilience factors²⁵ for healthy development and lifestyle include the following:

1. A relationship with a significant adult
2. A sense of hope
3. Acquisition of skills
4. Altruism or opportunities for service
5. Locus of control

Positive relationships with adults and feelings of connectedness and support are central to these factors. For Native Americans, these are both key to preventing substance abuse and maintaining the character and cultural values of tribal communities. Opportunities for community bonding are a foundation for prevention and may be fostered through traditional skills, spirituality, use of language, and instilling pride and culture.

This kind of community-oriented policing requires law enforcement to be involved from the beginning, and such effort pays comprehensive dividends. Integrating law enforcement with traditions and cultural practice presents a coordinated effort that nurtures feelings of tribal responsibility and commitment and develops resilience that fosters holistic well-being, especially among the young. Cultural practices that produce resilience might include music, talking circles, ceremonies, pow wows, festivals, storytelling beading, cooking, fishing, and an emphasis on families and the role of tribal elders.

25. James E. Copple, *Fatal Attraction: America's Youth and Their Affair with Alcohol* (Raleigh, NC: Lulu Publications, Inc., 2010).

A report by American Indian Development Associates repeatedly refers to using and emphasizing Native-American culture as a “key to success” and as crucial for improving outcomes of substance-abuse prevention and treatment programs and building credibility for programs. The report chronicles various Native communities and their efforts to use traditional practices and values to counter substance abuse.²⁶

For example, the report discusses the use of talking circles in the Southern Ute Spirit Youth Services Program in southwest Colorado. This traditional practice, in an environment of guaranteed confidentiality, is used to encourage youths to listen with compassion, to avoid judging others, and to speak freely about difficult subjects.²⁷ Another example is the Na’Nizhoozhi Center. Incorporated in McKinley County, New Mexico, and home to members of the Navajo Nation and Pueblos, the center focuses on intertribal relations of the clan system, or Nahasdlii, and uses this series of relationships to emphasize Native values in drug and alcohol recovery. Similarly, the Zuni Recovery Center of the Pueblo in Zuni, New Mexico, seeks to address youth substance abuse with traditional values and practices, including highlighting the importance of relationships between youths and tribal elders, which is “fundamental to Zuni culture.”²⁸ Program activities include storytelling, preparation of traditional foods, oven building, and traditional arts and crafts.²⁹ The recovery center also supports traditional Zuni dances and ceremonies, which require participants to be sober and healthy.

A 2000 report published in the *Juvenile Justice Journal* recommends culturally focused prevention and intervention strategies for addressing substance abuse among Native-American populations. The authors suggest that necessary components of such a cultural program include a focus on family, peers, ceremony and ritual, spirituality, and communities.³⁰ Individual tribes have unique traditions and practices, but a general model for culture-based prevention can be a helpful introduction and first step. Efforts that emphasize ways to bolster healthy families and peer groups generate a system of individual support and reinforce Native values of tribal loyalty and brotherhood.

26. American Indian Development Associates, *Promising Practices and Strategies to Reduce Alcohol and Substance Abuse Among American Indians and Alaska Natives* (Washington, DC: Office of Justice Programs, 2000), <http://www.aidainc.net/Publications/Alcohol%20promise.pdf>.

27. Ibid., 15.

28. Ibid., 28.

29. Ibid., 28.

30. Ruth Sanchez-Way and Sandie Johnson, “Cultural Practices in American Indian Prevention Programs,” *Juvenile Justice Journal* 7, no. 2 (2000): 20–30, https://www.ncjrs.gov/html/ojjdp/jjn1_2000_12/cult.html.

Another cultural example comes from the Navajo Nation of the Southwest, where meth production and use presents a significant health and crime threat. A community task force began with identifying and creating a culture-centric context, language, and understanding of drugs and associated issues for the community and individuals. This meant first identifying an official Navajo word for meth. The task force comprised health care workers, law enforcement, tribal leaders, and members of the community. Further initiatives included school presentations, training to identify suspicious behavior, collaboration between businesses and law enforcement, and an overall emphasis on the Navajo tradition of *beauty way*—a lifestyle of healing and health incompatible with meth use.³¹ The Whirling Thunder Wellness Program of the Winnebago Tribe of Nebraska employed similar collaborative efforts to combat the dual issues of diabetes and substance abuse. Strategies included talking circles to educate youths about the dangers of certain behaviors.³²

Given limited resources and a police force already stretched thin, finding time to engage in prevention efforts is a significant barrier that cannot be ignored. Using grant funds to establish a position that focuses on prevention is an effective step, but sustaining this effort requires all law enforcement personnel to rethink their roles within the community. As prevention begins to show reciprocal decreases in crime, officers should increasingly focus on prevention work. Over time, the agency should require all personnel to engage in both enforcement and prevention efforts.

Role of the meth prevention coordinator

Traditional American-Indian culture places great importance on kinship ties and family. Tribal communities are more likely to facilitate informal controls than to report a family member, extended family member, or other community member to a tribal law enforcement agency for meth-related crimes. By aligning community values with principles of community-oriented policing, meth prevention coordinators have the ability to validate community concerns, to help shape community perception of law enforcement, and to facilitate necessary dialogue between law enforcement and tribal community stakeholders. Four tribes out of the 40 grantees have a meth prevention coordinator, a position designed to do the following:

- Provide technical assistance and resources to community stakeholders, including tribal law enforcement, tribal council, tribal court, elders, tribal housing authority, tribal schools, substance abuse programs, and youth programs

31. "Navajo Nation Methamphetamine Task Force," Harvard Project on American Indian Economic Development, accessed September 10, 2015, <http://hpaied.org/publications/navajo-nation-methamphetamine-task-force>.

32. "Whirling Thunder Wellness Program," Government Innovators Network, Harvard Kennedy School, accessed September 10, 2015, <http://www.innovations.harvard.edu/whirling-thunder-wellness-program>.

- Provide leadership, oversight, and advocacy at the tribal level for increased public awareness and access to meth prevention and treatment resources
- Provide detailed and specific training to tribal entities
- Work to develop partnerships and coordinate with other local, state, and federal agencies
- Collect baseline data related to meth and support ongoing monitoring, trends, and analysis
- Serve as a liaison between the community and local law enforcement

The goal is to reduce the manufacture, distribution, and consumption of meth in Indian country. Many tribal communities are striving to implement a zero-tolerance policy for meth and other illegal substances on tribal lands. To accomplish this, tribal communities and corresponding law enforcement agencies must heed the call to do more, and meth prevention personnel can help. Meth prevention staffers, using a holistic approach, coordinate community services in response to increased meth problems, work collaboratively to increase awareness of prevention and treatment, provide education and information about needed resources so the community can create its own tribe-specific programs, establish baseline data for the community, and document the level of need.

These promising models can be a catalyst for workable, tribal-specific policing strategies grounded by community priorities. Research shows arrests for the manufacture, distribution, and consumption of meth have had limited efficacy.³³ Such an approach focuses on enforcement rather than addressing prevention and treatment interventions. As tribal communities continue to evolve, modifications in policing practices are inevitable. A finger-pointing mentality only ensures a cycle of separatism and exploitation of tribal communities victimized by a meth epidemic.

Meth is a multidimensional problem that cannot be solved by law enforcement alone. Indian country faces multiple challenges to create and maintain operative prevention and treatment infrastructures. Funding priorities consistently shift, which results in significant cuts to prevention and treatment efforts or in program elimination. The inclusion of a meth prevention coordinator in tribal policing strategies can help establish a foundation for prevention and treatment within tribal communities and build an alliance with tribal law enforcement. This partnership is warranted and would enhance and contribute to tribal law enforcement efforts, resulting in tribal communities that feel empowered, safe, and understood by the systems and services that exist as a result of meth in the community.

33. Bryan Stevenson, "Drug Policy, Criminal Justice and Mass Imprisonment: Working Paper," paper presented to the Global Commission on Drug Policies, Geneva, January 24–25, 2011.

CASE STUDY

Healthy, Drug-Free Homes

by Crystal Owen, Sisseton-Wahpeton Oyate tribal meth coordinator

Meth abuse and addiction creates significant health, social, law enforcement, judicial, treatment, and environmental problems on reservations, including overtaxing limited resources of tribal housing authorities. Early in 2013, the Sisseton-Wahpeton Oyate (SWO) Housing Authority took responsibility for more than 600 low- and moderate-income homes in 14 locations throughout the reservation.

In 2011, the SWO Housing Authority faced deterioration of a newly built housing site known as Barker Hill, which had been infiltrated by meth and prescription pill misuse and abuse. Once beautiful, the housing site

soon became known as Pill Hill. Parents were afraid to let children play outside because drug users were loitering in the area; there were reports of property theft and home burglaries; and drug seekers were coming and going at all times of the day and night. Residents did not feel safe in their homes.



Using funds from their COPS Office Tribal Meth grant, tribal law

enforcement purchased a mobile trace scanner, a hand-held instrument that simultaneously detects narcotics and common explosives. Tribal law enforcement named the scanner Maza Sunka, or Iron Dog, because it is user-friendly and helpful in creating a drug-free environment.

Trace levels of narcotics or explosives are introduced into the instrument by one of two means: particulate samples are gathered by wiping a surface with specially designed traps, which are then inserted into the

instrument for analysis, or vapors are drawn through a nozzle directly into the mobile trace scanner. Samples are heated to ensure a vapor phase and passed through a semipermeable membrane to filter out dust and dirt. The vapors are exposed to dryer material to keep humidity low. Vapors, which are analyzed by ion trap mobility spectrometry, are drawn into an ionization chamber and then passed through an electric field. The mobility of each target ion through the electric field differs sufficiently in time so that each is uniquely identified. Both positive and negative ions are simultaneously detected.

Users operate and view data on the mobile trace scanner through a 3.5-inch color, touchscreen display. The scanner can be connected to a network, personal computer, USB drive, or laptop for data transfer. The following narcotics can be detected at low part-per-billion levels: cocaine, heroin, delta 9-trans-tetrahydrocannabinol (THC), meth, ephedrine, methylenedioxymethamphetamine (MDMA), morphine, L-amphetamine, and ecgonine methyl ester (EME).

This device created a cost savings for the Tribal Meth program. Tribal law enforcement purchased the scanner with the intent of housing the device, but an agreement with the SWO Housing Authority allowed housing maintenance staff to be trained to operate and care for the device.

In the beginning, the Tribal Meth program's plan was to buy 600 one-time use home-testing drug kits at \$65 to \$100 per kit. At \$40,000, the mobile trace scanner was cost-effective because it can be used repeatedly with weekly maintenance. It is important to note that this machine cannot pinpoint who is using drugs at the

time of detection, but it is highly effective in determining the presence of illegal drugs and allows for proper follow-up investigation.

When the use of the mobile trace scanner began in 2012, the first 11 homes at Barker Hill tested positive for meth and other illegal drugs. This created a situation that took some consideration because there were no policies or procedures in place for dealing with a problem of this magnitude. Tenants in these homes denied the use of meth or other drugs, which created uncertainty about who was responsible.

The SWO Housing Authority's primary concern was for families in these 11 homes facing possible eviction if illegal drugs were found. With a shortage of available housing on the reservation, immediate evictions could create big problems and raise concern that children and the elderly could be displaced or homeless. The SWO Housing Authority, along with its board of directors, put into effect a new drug-free housing policy and began testing all homes at every housing site. The decision was made to test the homes after tenants moved out, and if traces of narcotics were found, the home was thoroughly cleaned by the SWO Housing Authority. Homes were then re-tested until no traces of narcotics were detected. Today, tenants can feel confident when they move into a home that it is free of any drug residue.

When a tenant now signs a lease, he or she acknowledges that the home is drug-free. If later inspections find drug residue, the tenant is held responsible for cleanup and removal and is subject to eviction. However, currently, there are no legal ramifications for

tenants unless actual drugs are found, in which case tribal law enforcement is notified, and charges are filed.

By using proven technology with the mobile trace scanner, the Sisseton-Wahpeton Oyate meth prevention program is able to meet its mission to help families gain a sense of security and raise children in a drug-free environment.

With this device, the tribe has seen an increase in awareness and requests for testing at public housing, private homes, schools, and tribal program facilities.

When used to detect narcotics, the mobile trace scanner plays

a critical role in reducing drug activity in the community and

contributes to public awareness and discussions that further engage residents in prevention efforts. The scanner is also used to routinely test tribal program offices. If traces of narcotics are found, the human resource director orders employee drug-testing, a process that is approved and supported by tribal executives. In minimizing the physical presence of drugs in the community, tribal police officers can reduce the number of incidents that occur and ensure a safer environment for the Oyate who live in tribal housing. Overall, the scanner has been efficient and successful in creating community awareness and providing safe and drug-free facilities.

For more information on this mobile trace scanner, contact Sisseton-Wahpeton Oyate Tribal Law Enforcement at 605-698-7661.

Tenants are responsible for any illegal activities that take place within the home.

Recommendations

Here are six concrete ways local law enforcement can be involved in preventing meth use and production in tribal areas:

1 | **Establish a drug abuse prevention coordinator position.**

As the Wind River case study illustrates (see page 8), by aligning community values with the principles of community-oriented policing, prevention coordinators have the ability to validate community concerns, shape community perception of law enforcement, and facilitate necessary dialogue between law enforcement and tribal community stakeholders. The position can also serve as the first step for institutionalizing community-oriented policing (as long as there is community-oriented policing training and an expectation that officers will use community-oriented approaches like those outlined in this guide).

The four meth prevention coordinator positions among the tribal law enforcement grantees were funded through U.S. Department of Justice (DOJ) grants. Although not a guaranteed or sustainable approach, using grant funds is an appropriate way to fund the position initially. However, over time the position should transition to a permanent budget line item among the civilian staff at the police department.

2 | **Convene meetings with tribal councils and tribal elders to develop culturally appropriate meth prevention policies and programs.**

The police chiefs and their representatives should recommend that tribal councils consider culturally appropriate drug-prevention policies and programs. Actions can include drug-free housing policies, funding for youth prevention programs, and establishing tribal courts. Law enforcement officers can testify before the tribal council about the extent of problems and the need for a prevention focus.

3 | Champion prevention programs developed in partnership with the community.

Once prevention programs are planned and have been implemented, tribal police should be seen as program champions who participate in prevention events and advocate for their continuation. When possible, tribal police departments can initiate prevention programs, such as the Brother Eagle program developed by the White Earth Police Department (see page 16).

4 | Encourage community involvement in prevention programs.

Law enforcement officers interact with community members on a daily basis and recognize risky behaviors. Officers are in a unique position to identify and influence those at risk. When officers intervene in positive ways, they gain community credibility and decrease the potential of future criminal activity because police are no longer seen as simply punitive but as community members ensuring public safety.

5 | Conduct routine home visits for repeat offenders.

As designed in Operation Sittin' Eagle (see the Wind River case study on page 8), police visit repeat offenders at home around the time an individual would begin drinking or using drugs. In addition, officers visit neighboring homes to greet residents and share information about prevention efforts and public safety goals. This simple intervention can lead to law enforcement's ability to gather intelligence from neighbors, possible changes in the repeat offender's behavior, or the offender's departure from the reservation. The idea is not to harass the offender but to encourage a change in behavior through positive police engagement.

6 | Institutionalize prevention efforts as part of routine roles and responsibilities.

Once prevention efforts begin to reduce crime, law enforcement agencies should institutionalize prevention programs. Increasingly, officers should engage more in prevention work. Over time, departments should require all personnel to engage in both enforcement and prevention efforts.

Tribal Law Enforcement in Treatment

SAI FOUND FEW TREATMENT OPTIONS among the COPS Office Tribal Meth grantees. Most of the 40 grantees must send community members a significant distance away from the reservation for residential treatment. The Keweenaw Bay Indian Community was the only tribe that had a residential treatment facility on tribal land. On the reservation, most grantees had a variety of outpatient services based out of Indian Health Service clinics or tribal health centers.

While law enforcement is generally a great advocate for treatment, not all tribal law enforcement officers recognize the potential benefits of treatment as part of a law enforcement strategy. Many participants at the 2012 meth summit, “Break the Cycle: Methamphetamine and Community Oriented Policing in Indian Country,” hosted by SAI and the COPS Office, expressed frustration about ineffective treatment, pointing to repeated arrests of the same people. These problems are indicative of the need for stronger treatment systems linked closely with local law enforcement and community support systems. However, there are effective treatment options that have shown positive results. Some of the key components necessary for effective treatment include access, length of treatment, and adequate support. Treatment grounded in tradition is also critical for success among Native-American patients.

Law enforcement should partner with the treatment community for a number of reasons. First, tribal law enforcement that engages the treatment community creates a stronger relationship with tribal members. The partnership demonstrates law enforcement’s investment in the long-term health of members and increases trust as the community begins to see police as part of the path to wellness.

Second, tribal members who enter treatment offer valuable insight and strategic intelligence for treatment professionals. Patient privacy laws must always be maintained and respected, but the treatment community and law enforcement can share information that benefits both domains. For example, without divulging private patient information, details may help law enforcement to better understand the threat of substance abuse, including drug prices, combinations of drugs used, general times when users get high, times when users tend to go for treatment, and other trends of use and abuse. This information is invaluable for resourcing police assets in a community.

Third, when done well, treatment works. There is ample evidence for effective treatment when it is culturally appropriate and when there is family and community support. When this happens, law enforcement sees a reciprocal reduction in drug-related workload, but law enforcement must first be an advocate for treatment and an ongoing supportive partner. Wellness is the goal, and those who achieve that goal need to be welcomed backed into the community. It is especially important for tribal law enforcement to be first in line at that celebration.

Attendees of the “Break the Cycle” summit emphasized culturally appropriate treatment using traditional healing as a key to success for Native-American addicts. Summit attendees believe access to treatment is a fundamental right of indigenous people. However, treatment facilities are rarely close to the tribe or culturally based, and they are often difficult to engage.

Indian country can help build more treatment capacity within tribal lands by establishing infrastructure, nurturing professionals, and developing a clear understanding of how tribal members can access treatment. Summit attendees said the tribe must create and sustain an expectation that treatment is a part of their community, which means educating the tribe on the need for treatment and building tribal council support for policies that promote treatment. Participants identified policies such as the following:

- Mandatory drug testing for tribal government employees and school teachers
- Treatment as an alternative to incarceration, so that restorative justice is part of the healing process for both users and victims
- Banishment for those unprepared or unwilling to engage in the healing process
- Compulsory treatment for those in custody when incarceration is required

Fourth, summit attendees said that recovering addicts should be celebrated and welcomed back into the community. Attendees emphasized the need for forgiveness and to celebrate sobriety with community events and ceremonies. Just as important to the celebration is long-term aftercare and community supports that help former addicts avoid relapse. However, everyone, including tribal law enforcement and communities, must also understand that relapse is often part of the recovery process and not justification for additional punishment.

Last, attendees suggested that those in recovery should be encouraged to mentor young people. The SAMHSA website provides more information on peer-to-peer mentoring.³⁴

Community-oriented policing in Indian country via healing to wellness courts

A drug court is a specialized docket established to handle cases involving alcohol and drug offenders through comprehensive supervision, drug testing, treatment services, and immediate sanctions and incentives. Often, the goals of a drug court program are to provide immediate sanctions and direct treatment while holding offenders accountable for criminal conduct. The program works to increase protective factors for individuals, families, and the community. During the program, participants are

- provided with intensive treatment and other services to discontinue substance use and then remain clean and sober;

34. *What Are Peer Recovery Support Services?* HHS publication no. (SMA) 09-4454 (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2009), <http://store.samhsa.gov/product/What-Are-Peer-Recovery-Support-Services-/SMA09-4454>.

- held accountable by the drug court judge for meeting obligations to the court, society, themselves, and their families;
- regularly and randomly tested for drug use;
- required to appear in court frequently for judicial review of progress;
- rewarded for doing well or sanctioned if they don't meet obligations.

Drug courts are the most effective justice intervention for treating drug addicts. They significantly reduce drug use and crime and are more cost-effective than any other demonstrated criminal justice strategy. Drug courts

- ensure compliance and are six times more likely to keep offenders in treatment long enough for stable remission;
- increase treatment program graduation rates by nearly 80 percent for meth-addicted people and reduce meth use by more than 50 percent compared to outpatient treatment alone;
- significantly reduce crime, as much as 45 percent more than other sentencing options;
- restore families (parents in family drug court are twice as likely to enter and complete treatment, and family reunification rates are 50 percent higher for family drug court participants);
- save money (a cost savings of \$3,000 to \$13,000 per client reflects reduced prison costs, reduced revolving-door arrests and trials, and reduced victimization).³⁵

An adaptation of the drug court is the tribal healing to wellness court, a component of the tribal justice system that incorporates and adapts the wellness concept to meet the specific substance-abuse needs of each tribal community.³⁶ This court provides an opportunity to address the devastation of alcohol or other drug abuse by establishing more structure and a higher level of accountability for these cases through a system of comprehensive supervision, drug testing, treatment services, immediate sanctions and incentives, team-based case management, and community support. Like a drug court, the tribal healing to wellness court team includes tribal judges, advocates, prosecutors, police officers, educators, and substance abuse and mental health professionals. Uniquely, this court also includes tribal elders and traditional healers. The concept borrows from traditional problem-solving methods and restores the individual to his or her place as a contributing member of the tribal community. Court programs use the unique strengths and history of each tribe and realign existing community resources in an atmosphere of communication, cooperation, and collaboration.

35. "What Are Drug Courts?" National Association of Drug Court Professionals, accessed August 14, 2013, <http://www.nadcp.org/learn/what-are-drug-courts>.

36. Tribal Law and Policy Institute, *Healing to Wellness Courts: A Preliminary Overview of Tribal Drug Courts* (Washington, DC: Drug Courts Program Office, July 1999).

CASE STUDY

A Tribal Meth Fellow's Perspective on Treatment

by Chad Pfeiffer

Many Native Americans experience Western therapy as oppressive, often bringing an awareness of colonization and marginalization of their Native world views.⁷ In a study of southwestern Native-American populations affected by meth, treatment providers advocated Western-based treatment practices with minimal consideration and confidence in cultural treatment modalities.⁸ This response could be translated as a product of assimilation. Many Native-American individuals and communities have received messages, consciously and subconsciously, that mainstream is better than indigenous. The same study found that Native-American clients who reported meth abuse preferred treatment that incorporates cultural and spiritual modalities.⁹ Many Native-American communities experience alienation from Western approaches to therapy.



Native-American adolescents who exhibit strong cultural or spiritual connections are less likely to use methamphetamine.

In contrast to the Western template for intervention (e.g., between a therapist and client), Native-American templates for treatment often include the community and family, traditional healers, ceremonies, and celebrations.⁸ Native-American clients entering substance-abuse treatment may feel they must assimilate to Western world views and self-perceptions as part of treatment and healing. Accepting Western-based modalities over one's own culture could further marginalize and traumatize a Native-American client.

A basic premise of Native-American culture is that people, situations, and events are perceived holistically. Isolated treatment of an individual's mental or physical health is ineffective.¹⁰ A holistic approach to substance-abuse treatment would deal with the whole person, and a central tenet to holistic healing is that one's physical health, mental health, and spiritual health are inextricably related.¹¹ When considering this worldview, it is difficult to isolate and focus on specific influences.¹² By this premise, an individual's relationships should also be a vital component of treatment and recovery.

Native communities have "community competence"—the capacity to improve quality of life for community members.¹³ Along with community competence, these communities also have a wealth of cultural knowledge. Ceremonial knowledge may be the most authentic and philosophical information available to a Native culture.

Many substance-abuse treatment programs have incorporated spirituality into their treatment approach. Spirituality is esoteric and experienced uniquely and individually. Cognition and behavior can be influenced greatly by a person's spiritual disposition. A client's spiritual background and beliefs may hold the key to understanding underlying values that motivate them.^{***} Mental health research has shown that Native-American adolescents who exhibit strong cultural or spiritual connections are less likely to use meth.^{†††}

Research suggests two phases are important to linking Native-American communities to mainstream mental-health services.^{†††} First, the motivational phase is needed to discuss the context of intergenerational trauma and to highlight the strengths of Native cultures. Second, the intervention phase should link Western evidence-based interventions to Native cultural traditions. A final step in treatment programs should be recovery, which can be seen as a healing and celebratory process.

The communal nature of tribal society (perhaps through ceremonies and community events) can be used to celebrate sobriety and to welcome a recovering individual back into the tribe's support. The community and law enforcement should play a significant role in continued support and care for recovering addicts to ameliorate risk of relapse.

* John Coates, Mel Gray, and Tiani Hetherington, "An 'Ecospiritual' Perspective: Finally, a Place for Indigenous Approaches," *British Journal of Social Work* 36, no. 3 (2006): 381–399; David R. Hodge, Gordon E. Limb, and Terry L. Cross, "Moving from Colonization toward Balance and Harmony: A Native American Perspective on Wellness," *Social Work* 54, no. 23 (2009): 211–219.

† Alyssa A. Forcehimes, Kamilla L. Venner, Michael P. Bogenschutz, et al., "American Indian Methamphetamine and Other Drug Use in the Southwestern United States," *Cultural Diversity and Ethnic Minority Psychology* 17, no. 4 (2011): 366–376.

‡ Ibid.

§ Janet King, "Reclaiming Our Roots: Accomplishments and Challenges," *Journal of Psychoactive Drugs* 43, no. 4 (2011): 297–301.

** William J. Szlemko, James W. Wood, and Pamela Jumper Thurman, "Native Americans and Alcohol: Past, Present, and Future," *Journal of General Psychology* 133, no. 4 (2006): 435–451.

†† Terry L. Cross, Kathleen Earle, Holly Echo-Hawk Solie, et al., *Cultural Strengths and Challenges in Implementing a System of Care Model in American Indian Communities*, Systems of Care: Promising Practices in Children's Mental Health, 2000 Series, vol. 1 (Washington, DC: Center for Effective Collaboration and Practice, American Institutes for Research, 2000).

†† Ethan Nebelkopf and Serena Wright, "Holistic System of Care: A Ten-Year Perspective," *Journal of Psychoactive Drugs* 43 no. 4 (2011): 302–308.

§§ Roger Dale Walker, Douglas A. Bigelow, Jessica Hope LePak, et al., "Demonstrating the Process of Community Innovation: The Indian Country Methamphetamine Initiative," *Journal of Psychoactive Drugs* 43 no. 4 (2011): 325–330.

*** Edward S. Neukreg, *The World of the Counselor: An Introduction to the Counseling Profession* (Belmont, CA: Brooks/Cole, 2007).

††† Allison Barlow, Britta C. Mullany, Nicole Neault, et al., "Examining Correlates of Methamphetamine and Other Drug Use in Pregnant American Indian Adolescents," *American Indian and Alaska Native Mental Health Research* 17, no. 1 (2010): 1–24.

††† Renda Dionne, Betsy Davis, Lisa Sheeber, et al., "Initial Evaluation of a Cultural Approach to Implementation of Evidence-Based Parenting Interventions in American Indian Communities," *Journal of Community Psychology* 37 no. 7 (2009): 911–921.

A core team is involved in developing a tribal healing to wellness court program. The team (ideally comprising 8 to 12 members) could include tribal citizens, tribal employees, the tribal court, and the tribal council. The team provides guidance for program development and hands-on involvement in client treatment planning. Team members often conduct education classes or run group sessions. They should conduct regular case management meetings to design, review, or modify participant treatment and rehabilitation plans.

Often, offenders enter the program in one of three ways: law enforcement referrals to the prosecutor or tribal healing to wellness court team, pre-trial diversion, or sentencing. A client assessment is used to make a final determination for program admission. Assessment objectives rely on standard instruments for consistent criteria and to ensure fair selection of participants. Assessments are also used to correctly diagnose alcohol or drug problems that need to be treated and may define other client needs, such as educational or vocational training, assistance with family problems, and other mental health concerns. These inventories provide the basis for developing treatment and rehabilitation plans.

Tribal healing to wellness courts are part of a holistic approach to ending addiction. The program must include access to culturally appropriate treatment options and the existence of a greater support system within the community. When done right, the result is a decrease in repeat offenders and an increase in the number of mentors supporting recovery of other addicts. The website “Tribal Healing to Wellness Court” offers more information about establishing a tribal court, including links to grant opportunities.³⁷

Recommendations

As with prevention efforts, law enforcement can play a significant role in culturally appropriate treatment programs for substance abuse in tribal communities. Arresting drug offenders does little to address the underlying cause of drug use—namely, addiction. Without treatment, drug-use offenders will almost certainly be repeat offenders. Repeatedly arresting the same offender for drug use is frustrating for law enforcement. As such, police departments have a vested interest in treatment programs that successfully break the cycle of drug use.

It is important to acknowledge that while some law enforcement personnel may believe that treatment does not work because of the offender “revolving door,” treatment can fail for several reasons, including a lack of culturally appropriate programming. In addition, recovering addicts often return to the same situations in which they began using drugs without making significant changes to reduce the likelihood of relapse. Culturally grounded programs can work with communitywide support and the active involvement of law enforcement and tribal councils.

37. “Tribal Healing to Wellness Court,” Bureau of Justice Assistance, last accessed December 24, 2015, <http://www.wellnesscourts.org/>.

Law enforcement's role in substance-abuse treatment should include recognizing the inherent cultural needs of each tribe and embracing a holistic approach sensitive to the communal nature of Native life. This method requires a close partnership with tribal councils and community members, and it necessitates training for law enforcement in the complex nature of substance-abuse issues, including the cycle and process of addiction and the view of relapse as an opportunity for learning. Law enforcement should support the use of alternatives to incarceration and promote these alternatives to tribal councils and judicial systems. The following recommendations identify several key ways in which law enforcement can be involved in treatment methods and programs:

1 | Train officers on the cycle of addiction and efficacy of treatment.

Police chiefs should encourage law enforcement officers to learn more about treatment. Bring treatment professionals to the police department to provide short, in-service presentations on the cycle of addiction, treatment programs that work and why, and program success rates. Make sure to invite representatives from treatment centers with a reputation for effective programs that can be replicated and modeled.

2 | Champion culturally appropriate treatment in partnership with the community.

Encourage tribal councils to develop or invest in culturally appropriate treatment programs and to allocate resources for treatment. In addition, when community groups are working to bring treatment centers to the community or are partnering with other communities for greater treatment access, ensure law enforcement is among the voices expressing support.

3 | Advocate treatment as an alternative to incarceration.

Encourage tribal councils to establish a system of tribal wellness courts. As the case study "A Tribal Meth Fellow's Perspective on Treatment" illustrates (see page 28), tribal wellness courts are effective for repeat offenders when used with a culturally appropriate treatment model.

4 | Advocate that cases involving substance abuse be sent to tribal wellness court.

Once a tribal wellness court is established, the court is only as effective as the number and appropriateness of the cases before it. Police and prosecutors should proactively seek, identify, and refer cases to tribal wellness courts as an alternative to incarceration.

5 | Follow up with offenders who have completed treatment.

Law enforcement should be an encouraging and positive part of an individual's recovery from drug use. Having people who support and applaud their efforts can help motivate recovering addicts, but law enforcement should also recognize that relapse is common for recovering addicts and does not mean failure.

Conclusions

BREAKING THE CYCLE OF METHAMPHETAMINE ADDICTION IN INDIAN COUNTRY requires sensitivity to cultural traditions and the norms of Native culture as well as an awareness of community policing, which is collaborative, participatory, and inclusive—three traits that resonate with Native culture. Community policing also reinforces flexibility in its structure and application, enabling Native cultures to adapt the principles of community policing to fit their needs. Of all law enforcement efforts, community policing is probably the most consistent with the Native American culture and way of life.

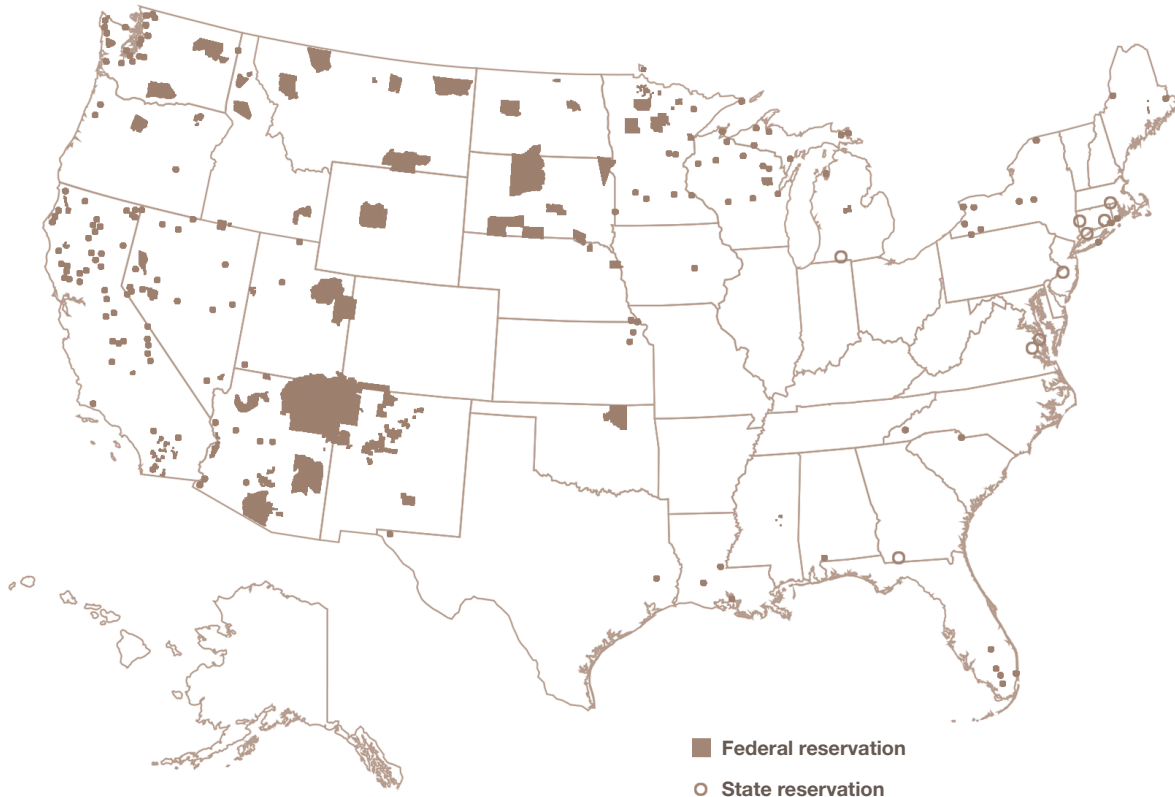
Living on reservations has helped Native Americans to maintain their cultural identity, but being isolated from the rest of the American experience has challenged tribal efforts to connect with the broader American culture and has led to unforeseen consequences. One such consequence has been evidence-based prevention and treatment programs for substance abuse that have been shaped by Western ideas and that do not take Indian culture and beliefs into consideration. For prevention and treatment programs to be effective in Indian country, they need to include traditional values that form the foundation of the Native-American community and to emphasize the strength of family. Such programs should also include community policing because its principles support Native-American culture.

The SAI assessment process, subsequent meth summit, and ongoing technical assistance found strong voices for policing reform and the role of substance abuse prevention and treatment in Indian country. This guide provides specific recommendations to create working relationships among prevention specialists, law enforcement, and treatment providers, all of whom can and should embrace cultural practices that emphasize reconciliation, healing, and restoration. The promising practices found among the 40 tribes that participated in this project and discussed in this guide can be replicated in other communities.

It is time to break the cycle of meth addiction and work to engage tribal communities in finding their own solutions versus using prescriptions developed outside the cultural context of Native tradition and values. Community policing may be the most promising strategy to advance policy and practice and move Native people and communities into a place of balance, health, and growth.

Appendix A. Geography of Tribal Lands

Figure 2. Map of federal and state reservations



Source: Recreated from "U.S. Federal and State Indian Reservations," infoplease.com, accessed October 26, 2014, <http://www.infoplease.com/ipa/A0778676.html>.

Indian country is a complex and diverse tapestry comprising approximately 56 million acres of land owned by more than 560 independent, sovereign tribal governments and communities in the United States. Nearly all have reserved lands through treaties or statutes or by executive orders made in the 18th through 20th centuries.³⁸ These reservations vary in size, with the largest at 16 million acres, to many reservations of less than 1,000 acres. Figure 2 shows how Indian country is dispersed throughout the United States.

38. Stewart Wakeling, Miriam Jorgensen, Susan Michaelson, et al., *Policing on American Indian Reservations: A Report to the National Institute of Justice* (Washington, DC: National Institute of Justice, 2001).

Within federal Indian reservations, there are allotted-status and restricted-status lands. There are also state Indian reservations. Distribution of lands within reservations has resulted in further division in and separation of Indian country, making it more difficult for law enforcement to maintain safe and healthy communities.³⁹

Indian tribes, often referred to as nations, are not part of the U.S. federal or state government system. Rather, they have a separate, government-to-government relationship with the Federal Government. American Indians hold dual citizenship with the United States and their nation. Tribes adopt constitutions, pass civil laws to regulate commerce on their lands, and enforce these laws within their own judicial systems. However, there are limits to tribal authority, and legal authorities have referred to tribes as semi-sovereign “domestic dependent nations.”⁴⁰

39. “Who We Are,” Bureau of Indian Affairs, accessed October 14, 2012, <http://www.bia.gov/WhoWeAre/BIA/index.htm>.

40. Stewart Wakeling, et. al., *Policing on American Indian Reservations* (see note 38).

Appendix B. History of Tribal Judicial Systems

by Eric Rodriguez, SAI Tribal Meth fellow

Table 1. Three major federal laws governing criminal jurisdiction in Indian country

FEDERAL LAW	DESCRIPTION
General Crimes Act	Enacted in 1817, the General Crimes Act (also known as the Federal Enclaves Act or Indian Country Crimes Act), as amended, extended the criminal laws of the Federal Government into Indian country and generally established federal criminal jurisdiction where either the alleged offender or the victim is Indian (but not both).
Major Crimes Act	Enacted in 1885, the Major Crimes Act, as amended, provides the Federal Government with criminal jurisdiction over Indians charged with the felony-level offenses enumerated in the statute, even when the victim is Indian. The tribes retained exclusive jurisdiction over other criminal offenses (generally, misdemeanor level) where both parties are Indian.
Public Law 280	Enacted in 1953, Public Law 280, as amended, confers criminal jurisdiction over offenses committed in Indian country to the governments of six states—Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin—except as specified by statute, thereby waiving federal jurisdiction in Indian country under the General and Major Crimes Acts and subjecting Indians to prosecution in state court.

Source: "Indian Country Criminal Justice: Departments of the Interior and Justice Should Strengthen Coordination to Support Tribal Courts," GAO-11-252 (Washington, DC: Government Accountability Office, February 2011).

Contemporary tribal judicial systems⁴¹ are complex because of the historical contexts that shaped them. Failure to understand the reasons behind the policies currently in use risks using policies that weaken tribal nations. Table 1 provides an overview of the policies that have contributed to the current law enforcement jurisdictional system on tribal lands.

Before European contact, tribal nations had methods and practices to resolve disputes within their own communities. These varied by tribal community. The earliest formation of a tribal court system was in reaction to what is known as the Crow Dog⁴² case (1883) on what is now known as the Rosebud Indian Reservation. Crow Dog (Lakota) allegedly killed Spotted Tail (Lakota). Using traditional methods to resolve the dispute, the community decided Crow Dog was to provide necessary restitution to Spotted Tail's family. Federal territorial courts were concerned because they believed the traditional Lakota way of handling the dispute resulted

41. Contemporary tribal judicial systems cannot be gathered into one category. Because this appendix is unable to go into detail about all factors that can affect tribal judicial systems because of state or local laws, this appendix focuses on federal law.

42. See *Ex parte Crow Dog*, 109 U.S. 556 (1883).

in Crow Dog's release. In response, the federal territorial court prosecuted Crow Dog for murder. The U.S. Supreme Court upheld the finding that the treaty between the Lakota Sioux and the United States reserved the Lakota right to its own decisions about justice.⁴³ In reaction to this case, the Major Crimes Act⁴⁴ was pursued to bring justice to Indian country. The Major Crimes Act authorized federal courts to prosecute Indians who commit certain major crimes on reservations.

The BIA created court systems (known as Courts of Indian Offenses) to prosecute these crimes. These courts handled less serious crimes and disputes between tribal members. A non-Indian offender can be brought before these courts only with the offender's express consent. Judges for the Courts of Indian Offenses were often local BIA superintendents. The BIA policies of the time were for the assimilation of Indian people.⁴⁵ The BIA superintendent's role at the time was to suppress traditional practices, and this assimilation took from Native Americans their values and cultural customs. At the same time the Courts of Indian Offenses was created, Indian people were recruited to serve as BIA police officers⁴⁶ to arrest and bring Indian criminal offenders to court.

Formation of tribal courts

The passage of the Indian Reorganization Act (IRA) of 1934, or Public Law 73-383, allowed tribal nations to create and operate their own judicial codes and court systems. These court systems enforced the tribal judicial codes created by the tribal nations. To be more specific, the tribal court systems were the result of the tribal nations' authority to enact their own laws, to govern, and to be governed by their laws before the formation of the United States. These new federal laws have had a homogenizing influence on the government practices currently used by Native nations.

Along with Western-influenced judicial codes, tribal nations adopted boilerplate constitutions created by the BIA and known as IRA constitutions.⁴⁷ The common IRA constitutions established a strong "tribal chair," who led an elected tribal council of between eight and

43. Ibid.

44. "Offenses Committed within Indian Country," 18 U.S.C. § 1153. (Crimes include murder, manslaughter, rape, assault with intent to commit murder, arson, burglary, and larceny.)

45. Raymond V. Butler, "The Bureau of Indian Affairs: Activities Since 1945," *Annals of the American Academy of Political and Social Science* 436 (March 1978): 50–60.

46. "Indian Police: Ft. Belknap Indian Community, 1899," Flickr, photo uploaded by orping, June 20, 2011, <http://www.flickr.com/photos/orping2000/5883430482/>.

47. Harvard Project on American Indian Economic Development, *The State of the Native Nations: Conditions under U.S. Policies of Self-Determination* (New York: Oxford University Press, 2008); Stephen Cornell and Joseph P. Kalt, "Reloading the Dice: Improving the Chances for Economic Development on American Indian Reservations," *Joint Occasional Papers on Native Affairs*, no. 2003-02 (Tucson, AZ: Native Nations Institute for Leadership, Management, and Policy; Cambridge, MA: Harvard Project on American Indian Economic Development, 2003).

15 members. However, IRA constitutions rarely provided resolution-dispute policies. In addition, IRA constitutions delineated no explicit separation of governmental power⁴⁸ and did not allow for the legitimate governing structures that tribal nations had always used.⁴⁹

Not all tribal nations adopted IRA constitutions. During this era, these forms of government were new to Indian people. The Western way of voting was alien to many tribes. In Indian country, 181 tribes adopted IRA constitutions, and 77 rejected them.⁵⁰ Tribes that did not initially adopt IRA constitutions did so later with the help of attorneys who used IRA constitutions as a framework. Therefore, the tribes that adopted them later were adopting constitutions influenced by the IRA because the attorneys did not know how to develop new constitutions.⁵¹

Some tribal nations that did not create their own tribal codes still use the Courts of Indian Offenses and Law and Order Code to handle crimes on reservations.⁵² Other tribal nations with limited resources choose to use the Code of Federal Regulations (CFR) courts operated by the BIA.

Public Law 280

In 1953, Congress enacted Public Law 280, which eliminated most BIA criminal jurisdiction in Indian country, initially in five states and later in six.^{53,54} Between 1953 and 1968, criminal jurisdiction was transferred to state control without tribal nation consent. A 1968 amendment to Public Law 280 allowed tribal nations to retrocede Public Law 280 with the consent of the state. The amendments also allowed states to return jurisdiction to tribal nations. Most states, to keep their authority over tribal nations, chose not to return jurisdiction to federal and tribal authority.

48. Harvard Project, *State of the Native Nations* (see note 47).

49. John Fredericks III, "America's First Nations: The Origins, History and Future of American Indian Sovereignty," *Journal of Law and Policy* 7 (1999): 375—376.

50. Robert B. Porter, "Strengthening Tribal Sovereignty through Government Reform: What Are the Issues?" *Kansas Journal of Law and Public Policy* 7 (Winter 1997).

51. Eric Lemont, "Developing Effective Processes of American Indian Constitutional and Governmental Reform: Lessons from the Cherokee Nation of Oklahoma, Hualapai Nation, Navajo Nation, and Northern Cheyenne Tribe," *American Indian Law Review* 26, no. 2 (2001/2002): 147—176.

52. See "Where Are Courts of Indian Offenses Established," Courts of Indian Offenses and Law and Order Code, 25 CFR part 11.100 (2011): 21, <https://www.gpo.gov/fdsys/granule/CFR-2011-title25-vol1/CFR-2011-title25-vol1-part11/content-detail.html>.

53. Carole Goldberg and Heather Valdez Singleton, *Final Report Law Enforcement and Criminal Justice Under Public Law 280* (Washington, DC: National Institute of Justice, 2007).

54. The six states were California, Minnesota, Nebraska, Oregon, Wisconsin, and later Alaska. Additional states assumed some jurisdiction in Indian country.

Public Law 280 created lawlessness in Indian country because state, county, and city police departments were unable to handle the increase in calls for service. Tribal leaders, in testimony to Congress before passage of Public Law 280, said states had neither the resources nor the capacity to assume jurisdiction in Indian country. Furthermore, life for Native people on reservations after the passage changed dramatically for the worse.

The following is an excerpt from the testimony of Rosebud Sioux Tribe President Robert Burnette:

I fear state jurisdiction for many reasons other than pure discriminatory action on the part of the population. I fear state jurisdiction, because it is foreign to us as a method and because it is such a political mode of operation. It has been said that tribal courts are subject to political pressures, and I would like to make it very clear here that everything in this nation of ours is subject to political pressures. I was a witness to the Bureau of Indian Affairs takeover in November of 1972, and I observed the administrative branch of the Federal Government holding in abeyance federal court orders that were issued to do a certain job within that takeover. So, no one can accuse the tribes of being political themselves. Yes, there is a certain amount of politics in tribal courts, depending upon who is elected as a leader of his tribe and how well he defines individual rights.⁵⁵

The effects of Public Law 280 can be seen on many Indian reservations. The jurisdictional confusion that tribal police officers faced is shown in table 2 on page 41.⁵⁶

In response to the confusion created by these laws, efforts have been made to return power to tribal governments. Public Law 638 (1975) and Public Law 413 (1994) work hand in hand to improve tribal self-governance by establishing and solidifying government-to-government relations between tribes and the U.S. government and allowing tribes to form their own governments and financial infrastructures.⁵⁷ In 2010, the TLOA expanded the punitive abilities of tribal courts operating on reservations, allowing for increased sentencing in criminal cases. The TLOA is unique because the DOJ and the DOI met in collaboration with tribal leaders and tribal justice professionals to create a long-term plan to improve law enforcement in Indian country.

55. *The Need for Indian Law Enforcement and Judicial Reform on Indian Reservations*, Subcommittee on Indian Affairs, Committee on Interior and Insular Affairs, 94th Cong. (1975) (statement of Robert Burnette, president, Rosebud Sioux Tribe).

56. *Ibid.*, 11–252.

57. “Public Law 93–638: Indian Self-Determination and Education Assistance Act of 1975” (88 Stat.; January 4, 1975), <http://www.idrsinc.org/wp-content/uploads/2011/08/7-PL-93-638.pdf>; “Public Law 103–413: Title IV: Tribal Self-Governance Act of 1994” (108 Stat.; October 25, 1994), http://tribalselfgov.org/OSG_KenPosts/Self-Governance%20Title%20IV.pdf.

Table 2. Criminal jurisdiction in Indian country where jurisdiction has not been conferred on a state

IDENTITY OF THE OFFENDER	IDENTITY OF THE VICTIM	JURISDICTION
Indian	Indian	If the offense is listed in the Major Crimes Act, as amended, (18 U.S.C. § 1153), the tribal and federal governments have jurisdiction. If the offense is not listed in the act, tribal jurisdiction is exclusive.
Indian	Non-Indian	If the offense is listed in the Major Crimes Act, the tribal and federal governments have jurisdiction, not the states. If the offense is not listed in the act, under the General Crimes Act (18 U.S.C. § 1152), tribal and federal governments have jurisdiction, not states.
Non-Indian	Indian	Federal jurisdiction is exclusive; tribal and state governments do not have jurisdiction.
Non-Indian	Non-Indian	States have exclusive jurisdiction; tribal and federal governments do not have jurisdiction.

Appendix C. Community-Based Participatory Research

by Catie Willging, Pacific Institute for Research and Evaluation

Community-based participatory research (CBPR) is a collaborative approach to research in which community members form partnerships with experienced researchers to better understand and develop solutions for a variety of social and health problems, including substance

A commonly used method in community policing is the SARA model, which resembles CBPR.

abuse.⁵⁸ In CBPR, everyone recognizes all partners as equal players with unique strengths. Partners can include volunteer organizations; colleges and universities; tribal, state, and county health departments; law enforcement agen-

cies, courts, local task forces, and committees; treatment facilities and clinics; 12-step groups; churches and faith communities; businesses; and established research institutions. These partners work together to share knowledge, resources, and responsibility for the research process, building upon individual and collective strengths to study and solve social and health problems that affect communities.

Partners in CBPR recognize the importance of community voice in every aspect of the research process. When done well, CBPR projects promote community ownership and control for the entire process, increasing the prospect that research results are both relevant and tailored to communities. A handful of core principles guide CBPR:

- Projects are participatory, and all partners decide how work will be done.
- Co-learning and information sharing among community members and research partners is emphasized.
- Projects build community capacity for future research and evaluation initiatives.
- Partners help one another to work through issues that affect them directly.
- Research and action are balanced.⁵⁹

These principles make it possible for CBPR practitioners to combine community knowledge with research for the purpose of achieving lasting social change.⁶⁰

58. John Lowe, Cheryl Riggs, and Jim Henson, "Principles for Establishing Trust when Developing a Substance Abuse Intervention with a Native American Community," *Creative Nursing* 17, no. 2 (2011): 68–73, <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3103821/?tool=pmcentrez>; see also Nina B. Wallerstein and Bonnie Duran, 2006, "Using Community-Based Participatory Research to Address Health Disparities," *Health Promotion Practice* 7 (3): 312–323, <http://hpp.sagepub.com/content/7/3/312>.

59. Meredith Minkler and Nina Wallerstein, *Community-Based Participatory Research for Health: From Process to Outcomes*, 2nd ed. (San Francisco, CA: Jossey-Bass, 2008).

60. Zubaida Faridi, Jo Anne Grunbaum, Barbara Sajor Gray, et al., "Community-Based Participatory Reach: Necessary Next Steps," *Preventing Chronic Disease* 4, no. 3 (July 2007), http://www.cdc.gov/pcd/issues/2007/jul/06_0182.htm.

Table 3. Comparison of the SARA and CBPR models

SARA	CBPR
Scanning. Identify and prioritize problems in the community.	Step 1. Engage people with interest in the issues and who can help implement a CBPR project. Step 2. Gather information to determine community needs and resources.
Analysis. Research what is known about the victim, offender, and location.	Step 3. Analyze data, and develop a clear statement of issues and concerns. Determine priorities and resource issues, including allocation.
Response. Develop solutions to bring lasting reductions in the number and extent of the problems.	Step 4. Develop a project description and action plan. Step 6. Implement the new program or policy. Step 7. Plan for the future.
Assessment. Evaluate the success of the responses.	Step 5. Develop an evaluation plan to determine what worked during implementation.

Note: CBPR steps are grouped according to which phase of the SARA model they resemble.

In recent years, CBPR has emerged as an important research practice in Native-American communities, whose members have historically had research projects done *on* rather than *with* them. CBPR challenges traditional models of research that are culturally neglectful and that have failed to address many of the most pressing social and health problems affecting these communities. Indeed, there is a long history of non-Indian academics conducting research on tribal lands with little or no benefit to Native communities. They may do this without local permission or active involvement of community members. As a result, Native communities may be unfairly portrayed in negative or stigmatizing ways (particularly when the research is about substance abuse), and non-Indian researchers remain insensitive to community concerns or issues.

CBPR allows Native communities to define for themselves particular issues of concern, to define and develop their own culturally appropriate solutions, and to take ownership for how findings are reported.⁶¹ Native-American researchers have been at the forefront of creating new paradigms for CBPR, such as tribal participatory research, which emphasizes tribal oversight to ensure that researchers behave ethically and respect Native culture, traditions, and values.⁶²

61. Linda Burhansstipanov, Suzanne Christopher, and Ann Schumacher, "Lessons Learned from Community-Based Participatory Research in Indian Country," *Cancer Control* 12, suppl. 2 (November 2005): 70–76; Patricia A.L. Cochran, Catherine A. Marshall, Carmen Garcia-Downing, et al., "Indigenous Ways of Knowing: Implications for Participatory Research and Community," *American Journal of Public Health* 98, no. 1 (2008): 22–27; John Lowe, Cheryl Riggs, and Jim Henson, "Principles for Establishing Trust When Developing a Substance Abuse Intervention with a Native American Community," *Creative Nursing* 17, no. 2 (2011): 68–73.

62. Philip A. Fisher and Thomas J. Ball, "Tribal Participatory Research: Mechanisms of a Collaborative Model," *American*

CBPR's relevance to law enforcement

Police often have important insight to share about how communities are affected by social and health problems, such as substance abuse. They also have ideas about what can be done to lessen these effects.

Individuals in law enforcement are particularly suited for participation in CBPR partnerships because they have been involved in similar relationships for nearly 30 years. A commonly used method in community policing is the SARA (scanning, analysis, response, and action) model, which resembles CBPR.⁶³ Table 3 on page 43 compares the SARA phases and CBPR steps to illustrate their similarity.

Designing and implementing CBPR projects

Key questions

When conducting research using a CBPR process, all partners must ask three key questions:

1. For whom is the research being conducted?
2. Who represents the community in question?
3. Who speaks for the community?⁶⁴

These questions help define and guide how research processes are defined and implemented. Partners should be open to critical reflection on the overall CBPR process to ensure that everyone's contributions are recognized and that no one is excluded or allowed to dominate the process.

Journal of Community Psychology 32, no. 3–4 (2003): 207–216; Lisa R. Thomas, Dennis M. Donovan, Robin L. Sigo, et al., “The Community Pulling Together: A Tribal Community-University Partnership Project to Reduce Substance Abuse and Promote Good Health in a Reservation Tribal Community,” *Journal of Ethnicity and Substance Abuse* 8, no. 3 (2009): 283–300.

63. In the scanning phase of the SARA model, stakeholders (such as police officers and community members) together identify recurring problems that affect the community and prioritize problems to be addressed. In the analysis phase, partners assess how the identified problem is currently addressed and the strengths or weaknesses of that response. In the response phase, partners brainstorm and choose possible solutions most likely to have the greatest positive effect in the community. Also, the creation of an action plan with goals and objectives occurs in this phase, and this action plan may serve as the basis of a new program or communitywide initiative. In the final SARA phase, the assessment phase, the partners determine whether the plan was implemented adequately. Information collected before and after creation and implementation of the action plan will help the partners to identify new strategies to fix or build upon the original plan.

64. Kari Hartwig, Diane Calleson, and Maurice Williams, “Unit 1: CBPR—Getting Grounded,” *Developing and Sustaining Community-Based Participatory Research Partnerships: A Skill-Building Curriculum*, Community-Campus Partnerships for Health, accessed December 22, 2015, <http://www.cbprcurriculum.info>.

Responsibilities in CBPR partnerships

Partners in CBPR projects should focus their fundamental responsibilities on cooperation and engaged collaboration. In successful CBPR partnerships, all involved stakeholders make a commitment to do the following:

- Participate and contribute to the project
- Help develop ground rules for how CBPR partners will work together
- Listen and strive to understand others' views
- Be a resource for developing and implementing CBPR priorities and projects
- Present what the CBPR partnership is accomplishing at key meetings and events in the community⁶⁵

Effective CBPR partnerships

Effective collaboration depends on the following characteristics:

- Alignment of community and research missions and priorities
- History of positive engagement within the community in question
- Knowledge of and connection to the community
- Staff or volunteers
- Consistency and reliability
- Knowledge and technical skills to share
- Support and involvement from leaders⁶⁶

Even when all of these characteristics are present, CBPR still takes hard work, dedication, and time. Effectively managing conflict before it occurs helps all partners when problems occur. Participants should anticipate issues related to tension or conflict. And partners are encouraged to acknowledge potential trust and turf issues, to openly discuss conflict and its causes, and to remind everyone of the big picture.⁶⁷

65. Frances Dunn Butterfoss, *Coalitions and Partnerships in Community Health* (San Francisco, CA: Jossey-Bass, 2007).

66. Hartwig, Calleson, and Williams, "Unit 1" (see note 64).

67. Butterfoss, *Coalitions and Partnerships in Community Health* (see note 65).

Steps for designing and implementing CBPR projects

The goal for any CBPR partnership is data-driven social action and change. The term *data* refers to information, facts, and evidence that help community members to better understand and address known social and health problems and to discover unanticipated problems. Data are also important for planning and implementing effective programs and policies. Using the following seven steps as a template can help all key stakeholders design and implement CBPR projects:

1. Engage people who have an interest in the issues or concerns and who can bring positive, active influence to a CBPR project.

Key activities: Create a CBPR stakeholder group, hire or identify a coordinator, organize meetings and engage community members, and initiate capacity-building efforts (e.g., provide problem-specific training and help build research skills).

2. Determine research needs, strategies and processes, and related resources.

Key activities: Identify sources of data, educate key stakeholders about data needs and barriers, develop strategies to access data, determine focus of community assessment, determine appropriate data collection methods, develop questions and data collection tools, obtain necessary permissions and approvals of the tribe or tribal entities, and collect data.

3. Analyze data and develop a clear statement of concerns; determine priorities and resource issues, including allocation.

Key activities: Analyze data collected for the assessment, review and interpret results, determine focus of program and policy efforts, and use results to create a comprehensive problem statement.

4. Develop a project description and action plan.

Key activities: Develop programming goals; identify, prioritize, and select strategies; and list tasks for each strategy. The action plan becomes the basis for new programs and policies.

5. Develop an evaluation plan to determine what worked.

Key activities: Develop performance measures, develop short- and long-term outcome measures, and identify information and data sources.

6. Implement the new program or policy.

Key activities: Determine responsibilities and assign tasks; support each other; review accomplishments, deadlines, and the budget on a regular basis; and provide feedback to each person and group involved.

7. Plan for the future.

Key activities: Review performance and results; refine the program to address problems; share work with the community and CBPR stakeholder group; begin long-term strategic planning, including funding options; and explore and access resources.

Throughout the process, it is important to emphasize community strengths, to respect tribal-specific rules and regulations that may govern research activities, and to ensure that the research and its results are shared appropriately and without harm to the tribe. It is important to highlight and build local capacities, knowledge, resources, and diversity. CBPR is most successful in building upon what a community already does well. CBPR requires money, and academic partners can help by writing grant proposals. Community partners also may be able to tap into monies for local programming.

CBPR is not a short-term undertaking, but successful efforts foster mutually beneficial relationships among community and academic partners. Cooperative work increases buy-in to problem-solving strategies, and it nurtures effective and sustainable programs and policies. Participation alone benefits all partners in many tangible and intangible ways, including community and partner appreciation; improved trust; and enhanced professional, economic, educational, and personal relationships.⁶⁸

CBPR examples in tribal communities

CBPR emphasizes equality of communities and academic partners in designing and implementing studies on pressing health and social problems, such as drug use. Studies may help guide advocacy efforts or serve as the basis for new policies and programs. Trust between local stakeholders and academic collaborators is key to CBPR in Native-American communities.⁶⁹ Imposing non-Indian values and beliefs has led to mistrust of non-Indian services, systems, and practices—including research. CBPR is well-suited to help build trust within and across these sectors.⁷⁰ CBPR has been implemented in a wide range of tribal settings, and its usefulness in Indian country has been enthusiastically received by Indian and non-Indian scholars and community partners.⁷¹ Projects vary in terms of issues and strategy, but the common link is commitment to community involvement and making community needs the priority.⁷²

68. Ella Greene-Morton, Ann-Gel Palermo, Sarah Flicker, et al., “Unit 4: Trust and Communication in a CBPR Partnership—Spreading the “Glue” and Having it Stick,” *Developing and Sustaining Community-Based Participatory Research Partnerships: A Skill-Building Curriculum*, Community-Campus Partnerships for Health, accessed January 25, 2016, <http://www.cbprcurriculum.info>.

69. Jessica R. Goodkind, Kimberly Ross-Toledo, Susie John, et al., “Rebuilding Trust: A Community, Multiagency, and University Partnership to Improve Behavioral Health Care for American Indian Youth, Their Families, and Communities,” *Journal of Community Psychology* 39, no. 4 (May 2011): 452–477, doi:10.1002/jcop.20446.

70. Ibid.

71. Burhansstipanov et al., “Lessons Learned from Community-Based Participatory Research” (see note 61); Goodkind et al., “Rebuilding Trust” (see note 69); Puneet Chawla Sahota, *Community-Based Participatory Research in American Indian and Alaska Native Communities* (Washington, DC: National Congress of American Indians, Policy Research Center, 2010), <http://www.ncaiprc.org/files/CBPR%20Paper%20FINAL.pdf>; Lisa Rey Thomas, Carmen Rosa, Alyssa Forcehimes, et al., “Research Partnerships between Academic Institutions and American Indian and Alaska Native Tribes and Organizations: Effective Strategies and Lessons Learned in a Multi-Site CTN [Clinical Trials Network] Study,” *American Journal of Drug and Alcohol Abuse* 37, no. 5 (2011): 333–338.

72. Sahota, *Community-Based Participatory Research* (see note 71).

Project TRUST (teaching, referral, understanding, support, and testing) is one example of effective CBPR for Indian country.⁷³ This project worked to understand and eliminate the causes of behavioral health disparities among youths in a Southwest Native-American community. Participants included service providers, tribal parents, youths, community members, community organizers, and university researchers.⁷⁴ Project TRUST's guiding concept was an assumption that the community best knows its particular needs. Western ways of thinking and healing have shaped both federal policy and traditional research on drug and alcohol issues. In tribal communities, that has resulted in disconnect between Native values and substance-abuse treatment that questioned the credibility and validity of cultural beliefs and Native healing practices.⁷⁵

Project TRUST developed a list of more than 20 recommendations that help illustrate the need for a more integrated, culturally relevant approach to behavioral health care for Native-American youths.⁷⁶ The list was compiled by a community advisory board in meetings with American-Indian youths, parents, and elders. Project TRUST participants asked how those working in law enforcement and the criminal justice system (e.g., courts) could do a better job reaching and meeting the needs of Native-American youths struggling with drugs and alcohol. The community identified police as an important source of help, involvement, and support. Other recommendations included increased access to and compensation for traditional healing practices, apologies and reparations from the U.S. government, expansion of school-based health centers, and cultural-competence training to address issues related to historical trauma and institutional racism.⁷⁷ These recommendations now guide planning for local initiatives and have been shared with tribal, state, and national audiences as the most relevant ways to effect healthy change.

Another CBPR project in Indian Country is Methamphetamine and Other Drugs in American Indian and Alaska Native Communities, funded by the National Institute on Drug Abuse's Clinical Trials Network. Five sites in five different regions of the country collaborated to create research partnerships for collecting current and accurate data related to meth in Native-American communities.⁷⁸ Community advisory boards (CAB) were formed, comprising officials

73. J. Goodkind, K. Ross-Toledo, S. John, et al., *Project TRUST: Report and Recommendations for Enhancing the Well-Being of Native American Youth, Families, and Communities* (Project TRUST Partnership, 2008); Goodkind et al., "Rebuilding Trust" (see note 69).

74. Goodkind et al., "Rebuilding Trust" (see note 69).

75. Ibid.

76. Ibid.

77. Ibid.

78. Thomas et al., "Research Partnerships between Academic Institutions" (see note 71).

from tribal government, tribal organizations, and treatment agencies. The goal was to understand and address issues related to drug use in ways that are community driven, culturally grounded, and geared toward successful prevention and recovery.⁷⁹

The CABs created individualized research protocols addressing site-specific access to resources, geography, culture, tradition, and exposure to postcolonial trauma.⁸⁰ Each site's plan considered community focus groups; key stakeholder interviews; phone surveys with people working in schools, treatment agencies, and law enforcement; and client record reviews. There are more than 560 federally recognized tribes in the United States, and these CAB meetings and strategy sessions helped push processes for data collection, analysis, and interpretation beyond a one-size-fits-all approach.⁸¹ The success of these tailored approaches hinged on a willingness of all parties to fully engage with one another, adequate time spent in the site communities, a consistent presence in site communities, and a willingness to listen to and learn from one another. These sites emphasized a desire to build on available resources (including law enforcement and the criminal justice system) and community resilience. CBPR helped ensure existing strengths were considered, valued, and used.⁸²

Law enforcement's role in CBPR

Police do not have to lead the effort; however, as champions and willing participants, tribal police departments benefit from community-approved solutions to public safety issues and a process grounded in good research. Tribal law enforcement should do the following:

- 1. Champion CBPR among community groups and the tribal council.** Suggest CBPR as an approach to local organizations and leaders who might be in a position to organize and lead CBPR efforts. Tribal law enforcement does not have to lead the effort, but its willing participation may help establish a project in its community.
- 2. Identify a tribal law enforcement staff member to be a CBPR project liaison.** When a CBPR effort is launched in the community, including tribal law enforcement in the partnership helps ensure that research is relevant and increases community trust.
- 3. Use CBPR results for law enforcement action-planning.** CBPR results will identify problems and may serve as a springboard and basis for action planning around police and public safety concerns (keeping in mind that data are only relevant if law enforcement participated in the CBPR effort).

79. Ibid.

80. Ibid.

81. Ibid.

82. Ibid.

More information about CBPR can be found via the nonprofit membership organization Community-Campus Partnerships for Health, which “promotes health equity and social justice through partnerships between communities and academic institutions,”⁸³ and via Community Tool Box, a public service developed and managed by the University of Kansas’s Work Group for Community Health and Development.⁸⁴

83. “About Us,” Community-Campus Partnerships for Health, last accessed December 29, 2015, <https://ccph.memberclicks.net/about-us>.

84. “Community Tool Box,” last accessed December 29, 2015, <http://ctb.ku.edu/en>.

Appendix D. Prioritization Planning Worksheet

STRENGTHENING TRIBAL LAW ENFORCEMENT SYSTEMS	Priority: HIGH	Priority: MEDIUM	Priority: LOW	Feasibility: HIGH	Feasibility: MEDIUM	Feasibility: LOW
1. Strengthen existing tribal law enforcement agencies.						
2. Ensure the chief of police has autonomy over operations to create law enforcement leadership stability.						
3. Use a workload-based formula to develop the police department's budget.						
4. Create a separate authority for "charging functions" versus "deciding functions."						
5. Establish professional benefits for tribal law enforcement officers similar to those of their BIA and nontribal counterparts.						
6. Hire personnel based on nationally recognized standards, personal and professional integrity, and cultural competence.						
7. Adopt standardized training protocols to match requirements for state certification.						
8. Develop interagency agreements with neighboring, nontribal law enforcement agencies.						
9. Develop a strong working relationship with the tribal council, business community, and community groups.						

TRIBAL LAW ENFORCEMENT IN PREVENTION	Priority: HIGH	Priority: MEDIUM	Priority: LOW	Feasibility: HIGH	Feasibility: MEDIUM	Feasibility: LOW
1. Establish a drug abuse prevention coordinator position.						
2. Convene meetings with tribal councils and tribal elders to develop culturally appropriate meth prevention policies and programs.						
3. Champion prevention programs developed in partnership with the community.						
4. Encourage community involvement in prevention programs.						
5. Conduct routine home visits for repeat offenders.						
6. Institutionalize prevention efforts as part of routine roles and responsibilities.						

TRIBAL LAW ENFORCEMENT IN TREATMENT	Priority: HIGH	Priority: MEDIUM	Priority: LOW	Feasibility: HIGH	Feasibility: MEDIUM	Feasibility: LOW
1. Train officers on the cycle of addiction and efficacy of treatment.						
2. Champion culturally appropriate treatment in partnership with the community.						
3. Advocate treatment as an alternative to incarceration.						
4. Advocate that cases involving substance abuse be sent to tribal wellness court.						
5. Follow up with offenders who have completed treatment.						

About Strategic Applications International

The mission of **Strategic Applications International (SAI)** is to pursue great ideas, promote action, and effect change with demonstrated results. SAI is committed to the best in program development, implementation, and evaluation. To mobilize the nation's response to illicit drugs at the tribal, local, state, federal, and international level, SAI has worked extensively on issues of crime, violence, and substance abuse in partnership with the White House's Office of National Drug Control Policy, the U.S. Drug Enforcement Administration, the U.S. Department of Justice's Office of Community Oriented Policing Services and the Bureau of Justice Assistance, and the Substance Abuse and Mental Health Services Administration.

About the COPS Office

The **Office of Community Oriented Policing Services (COPS Office)** is the component of the U.S. Department of Justice responsible for advancing the practice of community policing by the nation's state, local, territorial, and tribal law enforcement agencies through information and grant resources.

Community policing begins with a commitment to building trust and mutual respect between police and communities. It supports public safety by encouraging all stakeholders to work together to address our nation's crime challenges. When police and communities collaborate, they more effectively address underlying issues, change negative behavioral patterns, and allocate resources.

Rather than simply responding to crime, community policing focuses on preventing it through strategic problem solving approaches based on collaboration. The COPS Office awards grants to hire community police and support the development and testing of innovative policing strategies.

COPS Office funding also provides training and technical assistance to community members and local government leaders, as well as all levels of law enforcement. The Collaborative Reform Initiative for Technical Assistance (CRI-TA), a program that promotes organizational transformation through analysis of policies, practices, and training related to issues of concern, is also available to law enforcement agencies

Since 1994, the COPS Office has invested more than \$14 billion to provide training and technical assistance, enhance crime fighting technology, and add more than 125,000 officers to our nation's streets. We also offer a wide variety of information resources to help law enforcement and community leaders address specific crime issues at www.cops.usdoj.gov.

Methamphetamine has a disproportionate negative effect on tribal communities. In response to this compelling need, the COPS Office awarded Tribal Methamphetamine Initiative grants to 40 tribes and provided those grantees with training and technical assistance. This guide for tribal law enforcement and community stakeholders reflects the priorities and key information resulting from on-site assessments conducted with each tribe; input from eight tribal fellows; technical assistance provided to each of the grantees; and the ideas, discussions, and data that emerged from a national strategic planning summit. The guide addresses the importance and value of tradition and culture in community ownership, prevention, and treatment; identifies innovations and best practices specific to meth production, distribution, and use in Indian country; and provides a series of recommendations for law enforcement and other key stakeholders.



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