

**Bureau of Indian Affairs  
Office of Justice Services**

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

**August 16, 2016**

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

## **I. INTRODUCTION**

The Tribal Law and Order Act of 2010, Public Law 111-211 (TLOA) was designed to provide greater freedom for Indian tribes and tribal nations to design and operate their own justice systems, making Federal departments and agencies more accountable for serving Native people and lands. The TLOA specifically requires the Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) report on spending, staffing, and unmet needs for Public Safety and Justice (PS&J) programs in Indian Country. This report includes spending and staffing data for 2011-2013 and annual cost estimates for PS&J programs.

## **II. DATA SOURCES**

To meet the reporting requirements of TLOA, this report equates spending with BIA-enacted funding for PS&J programs and staffing with the corresponding Full Time Equivalents (FTE) on board BIA-operated PS&J programs. This report does not include any funding made available for PS&J purposes in Indian Country on a permanent or one-time basis by organizations other than the BIA. Tribal PS&J programs sometimes receive funding from Federal, state, and tribal organizations other than BIA. The full scope of unmet needs cannot be addressed without considering non-BIA sources of funding, which are not readily quantifiable. As a proxy for unmet needs the report provides an estimate of total annual costs to operate appropriate-sized, fully staffed Law Enforcement and Detention/Corrections programs as well as Tribal Courts in Indian Country.

To foster greater tribal data reporting for PS&J programs, BIA developed a web-based data collection survey tool and posted a link on the BIA webpage, [www.bia.gov](http://www.bia.gov). Tribal leaders of 566 federally-recognized tribes (the number of federally-recognized tribes at the time of data collection for this report) were notified via mail of the need for data to satisfy TLOA reporting requirements and informed of the availability of the BIA data collection tool. Fewer than 60 of the tribes utilized the online tool or met with BIA field managers to report the requested information and the information received from tribes varied in degrees of completeness. Additionally, verification of the data was problematic due to the nature of self-reporting. For these reasons, and to ensure consistency of data, this report utilized models to estimate annual program costs across the board instead of attempting to incorporate specific needs that were reported by a handful of tribes.

## **III. BIA FUNDING AND STAFFING**

The TLOA requires BIA to submit a detailed spending report and the methodology used to disburse funds for PS&J programs administered by OJS. The OJS allocates its appropriations to 190 Law Enforcement programs; 90 Detention/Corrections programs (for 55 tribes); 15 district, headquarters, and support offices; 185 Tribal Courts as well as other BIA agency offices that support PS&J programs. The BIA funds are spent either by BIA when they deliver

services directly or by tribes when they contract services with funds transmitted to the tribes through self-determination (638) contracts or self-governance compacts.

The BIA uses a Federal financial and accounting system to disburse funding to PS&J programs. The system provides reporting capabilities sufficient to meet TLOA requirements for reporting expenditures for all programs whether BIA or tribally operated, but can only meet the staffing reporting requirements for programs administered by BIA as a direct service to tribes. Law Enforcement and Detention/Corrections services are provided both by BIA and the tribes. The BIA operates only a handful of Tribal Court functions directly throughout the Nation. Nearly all Tribal Courts are administered by the tribes. However, BIA does provide technical support for tribes to operate courts.

### **Methodology for Disbursing PS&J Funding**

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

The BIA evaluates a number of factors to ensure budget increases “reach the areas with the greatest need” as directed in the Conference Committee Report to the Consolidated Appropriations Act, 2008. For both Law Enforcement and Detention/Corrections programs, factors include service population, size of the land base served, staffing levels/shortages by parity ratios, violent crime rate, and status as a High Priority Goal location. For the Law Enforcement programs, additional consideration is given to the volume of calls for service and the prevalence of drug/gang activity. For Detention/Corrections programs, additional consideration is given to the startup of new facilities and the annual inmate intake.

Tribal Courts – Unlike the Law Enforcement and Detention/Corrections programs, the Tribal Courts program remains in the TPA category allowing individual tribes to mingle and allocate Tribal Courts funding among various TPA programs in order to best meet their unique need or priority in any given year. However, as with Law Enforcement and Detention/Corrections funding, Tribal Courts funding is distributed according to historical allocations. Currently, BIA distributes Tribal Courts budget increases utilizing either a pro-rata methodology, or request-based determinations supported by court assessment data, or status as a High Priority Goal location.

## **Disbursement of PS&J Funding**

Law Enforcement Programs – In 2011 and 2012, BIA funding for Law Enforcement programs reached \$228.5 million and \$227.2 million respectively. Under sequester in 2013, the funding dropped to \$209.8 million. In each of the 3 years, about 40 percent of the funding was allotted to BIA direct service programs and the rest went to tribally-run programs. There is a minimal amount of funding for Law Enforcement that goes to operations in P.L. 280 states (states where by law PS&J programs are the jurisdiction of state and local governments) either because there is a tribe that was granted an exception to the P.L. 280 dictate, or because there are BIA Law Enforcement program administrative offices in those states.

Detention/Corrections Programs – In 2011 and 2012, BIA funding for Detention/Corrections programs reached \$95.1 million and \$103.6 million respectively. Under sequester in 2013, the funding dropped to \$94.7 million. In each of the 3 years, over 50 percent of the funding was allotted to BIA direct service programs and the rest went to tribally run programs. There is a minimal amount of funding for detention that goes to operations in P.L. 280 states either because there is a tribe that was granted an exception to the P.L. 280 dictate, or because there are BIA Detention/Corrections program administrative offices in those states.

Tribal Courts TPA – In 2011, BIA funding for the Tribal Courts program reached \$28.6 million but dropped in 2012 to \$25.6 million due to tribal reallocations into other TPA programs. In 2013, the funding made a slight rebound to \$26.8 million. In each of the 3 years, over 90 percent of the funding was allotted to tribes and the rest went to BIA offices administering the Tribal Court funding and providing technical assistance. There is a minimal amount of funding for the Tribal Courts that goes to operations in P.L. 280 states either because there is a tribe that was granted an exception to the P.L. 280 dictate, or because tribes operate courts to address their civil matters in those states.

## **BIA Staffing of PS&J Programs**

In 2011-2013, BIA-operated Law Enforcement programs employed nearly 500 FTE, Detention/Correction programs employed over 200 FTE, and the Tribal Courts budget line item supported a staff of 5-7 FTE to administer the program and provide technical support. The number of FTE employed by tribes operating these programs under contract is unknown because tribes, by law, are not required to provide that information, and most do not.

**Summary of Funding for BIA-funded Public Safety and Justice Programs by Program**

Program/Operator	Federal FTE & Appropriations Expended (Dollars in Thousands)					
	FY 2011		FY 2012		FY 2013	
	Federal FTE	BIA Appropriations Expended	Federal FTE	BIA Appropriations Expended	Federal FTE	BIA Appropriations Expended
<b>Law Enforcement</b>						
BIA Direct Services	496	94,335	504	84,695	501	84,064
Tribally Contracted/Compacted Programs	NA	134,118	NA	142,465	NA	125,692
<b>Total Law Enforcement</b>	<b>496</b>	<b>\$ 228,454</b>	<b>504</b>	<b>\$ 227,161</b>	<b>501</b>	<b>\$ 209,756</b>
<b>Det Ctr/Corrections</b>						
BIA Direct Services	216	50,609	225	55,662	244	48,197
Tribally Contracted/Compacted Programs	NA	44,474	NA	47,955	NA	46,528
<b>Total Det Ctr/Corrections</b>	<b>216</b>	<b>\$ 95,083</b>	<b>225</b>	<b>\$ 103,617</b>	<b>244</b>	<b>\$ 94,725</b>
<b>Tribal Courts</b>						
BIA Direct Services	7	1,689	5	1,715	6	1,677
Tribally Contracted/Compacted Programs	NA	26,950	NA	23,932	NA	25,160
<b>Total Tribal Courts</b>	<b>7</b>	<b>\$ 28,639</b>	<b>5</b>	<b>\$ 25,647</b>	<b>6</b>	<b>\$ 26,837</b>
<b>PS&amp;J Programs</b>						
BIA Direct Services	719	146,633	734	142,072	751	133,938
Tribally Contracted/Compacted Programs	NA	205,542	NA	214,351	NA	197,380
<b>Total PS&amp;J Programs</b>	<b>719</b>	<b>\$ 352,177</b>	<b>734</b>	<b>\$ 356,425</b>	<b>751</b>	<b>\$ 331,318</b>

**Summary of Funding for BIA-funded Public Safety and Justice Programs by Operator**

Program	Federal FTE & Appropriations Expended (Dollars in Thousands)					
	FY 2011		FY 2012		FY 2013	
	Federal FTE	BIA Appropriations Expended	Federal FTE	BIA Appropriations Expended	Federal FTE	BIA Appropriations Expended
<b>BIA Direct Services</b>						
Law Enforcement	496	94,335	504	84,695	501	84,064
Det Ctr/Corrections	216	50,609	225	55,662	244	48,197
Tribal Courts	7	1,689	5	1,715	6	1,677
<b>Total BIA Direct Services</b>	<b>719</b>	<b>\$ 146,633</b>	<b>734</b>	<b>\$ 142,072</b>	<b>751</b>	<b>\$ 133,938</b>
<b>Tribally Contracted/Compacted Programs</b>						
Law Enforcement	NA	134,118	NA	142,465	NA	125,692
Det Ctr/Corrections	NA	44,474	NA	47,955	NA	46,528
Tribal Courts	NA	26,950	NA	23,932	NA	25,160
<b>Total Tribally Contracted/Compacted Programs</b>	<b>NA</b>	<b>\$ 205,542</b>	<b>NA</b>	<b>\$ 214,351</b>	<b>NA</b>	<b>\$ 197,380</b>
<b>PS&amp;J Programs</b>						
Law Enforcement	496	228,453	504	227,160	501	209,756
Det Ctr/Corrections	216	95,083	225	103,617	244	94,725
Tribal Courts	7	28,639	5	25,647	6	26,837
<b>Total PS&amp;J Programs</b>	<b>719</b>	<b>\$ 352,175</b>	<b>734</b>	<b>\$ 356,424</b>	<b>751</b>	<b>\$ 331,318</b>

**Summary of Funding for BIA-funded Public Safety and Justice Programs, by P.L. 280 and Non P.L. 280 states**

Program	Federal FTE & Appropriations Expended (Dollars in Thousands)					
	FY 2011		FY 2012		FY 2013	
	Federal FTE	BIA Appropriations Expended	Federal FTE	BIA Appropriations Expended	Federal FTE	BIA Appropriations Expended
<b>Non-P.L. 280 States</b>						
Law Enforcement	482	215,100	485	211,042	482	195,829
Det Ctr/Corrections	215	92,861	224	100,539	242	91,467
Tribal Courts	7	25,310	5	22,901	6	23,670
<b>Total Non-P.L. 280 States</b>	<b>704</b>	<b>\$ 333,271</b>	<b>714</b>	<b>\$ 334,481</b>	<b>730</b>	<b>\$ 310,966</b>
<b>P.L. 280 States</b>						
Law Enforcement	14	13,354	19	16,119	19	13,927
Det Ctr/Corrections	1	2,222	1	3,078	2	3,258
Tribal Courts	0	3,330	0	2,746	0	3,167
<b>Total P.L. 280 States</b>	<b>15</b>	<b>\$ 18,906</b>	<b>20</b>	<b>\$ 21,943</b>	<b>21</b>	<b>\$ 20,352</b>
<b>PS&amp;J Programs</b>						
Law Enforcement	496	228,454	504	227,161	501	209,756
Det Ctr/Corrections	216	95,083	225	103,617	244	94,725
Tribal Courts	7	28,639	5	25,647	6	26,837
<b>Total PS&amp;J Programs</b>	<b>719</b>	<b>\$ 352,177</b>	<b>734</b>	<b>\$ 356,425</b>	<b>751</b>	<b>\$ 331,318</b>

#### IV. TOTAL ESTIMATED COSTS

The report provides an estimated total cost of Law Enforcement throughout Indian Country, including P.L. 280 states, considering that all tribes benefit from Law Enforcement programs, regardless of whether services are provided by Federal, state, local, or tribal entities. Costs estimates for Tribal Courts also include all tribes because of tribal sovereignty and due to the expanded court responsibilities that Tribal Courts now have under TLOA and the reauthorization of the Violence Against Women Act (VAWA). The cost estimates for Detention/Corrections are limited to existing structures because there is no assumption that every tribe needs a detention facility, facilities are often shared regionally, and there are no immediate plans to build new detention facilities in Indian Country.

#### Methodologies for Calculating Estimated Costs of PS&J programs

The cost estimates for Law Enforcement programs and Tribal Courts assume that all tribes of a similar size have Law Enforcement agencies or Tribal Courts with the same composition. Law Enforcement programs and Tribal Courts are usually sized to meet the needs of a population range. Population data in the 2013 American Indian Population and Labor Force (AIPLF) Report prepared by the Office of the Assistant Secretary – Indian Affairs using 2010 Census was used to estimate service population by tribe. The AIPLF estimates that the total service population on Indian lands is just under 2 million. About two-thirds of the population is located in non-P.L. 280 states, and a third is located in P.L. 280 states, primarily Alaska and California. This report grouped tribes by population size, and then used scalable cost models to create estimates for operating Law Enforcement programs and Tribal Courts for each group.

**Scalable Law Enforcement Budget Model**

Tribal Service Population Size	Law Enforcement Need	Annual Cost (\$000)
<600	Basic @ ≈1/3 capacity	\$ 666
600-1,600	Basic @ ≈2/3 capacity	\$ 1,333
1,601-6,500	Basic	\$ 2,019
6,501-9,750	Basic @ ≈50% increased capacity	\$ 2,994
9,751-13,000	Basic @ ≈100% increased capacity	\$ 3,836
13,001-16,250	Basic @ ≈150% increased capacity	\$ 4,679
16,251-19,500	Basic @ ≈200% increased capacity	\$ 5,501
19,501+	Basic @ ≈250% increased capacity	\$ 6,344

**Scalable Tribal Court Budget Model**

Tribal Service Population Size	Tribal Court Need	Annual Cost (\$000)
<600	Part Time (4.3 months)	\$ 717
600-1,600	Part Time (8 Months)	\$ 1,333
1,601-6,500	Full Time	\$ 2,000
6,501-9,750	Full Time X 1.5	\$ 3,000
9,751-13,000	Full Time X 2	\$ 4,000
13,001-16,250	Full Time X 2.5	\$ 5,000
16,251-19,500	Full Time X 3	\$ 6,000
19,501+	Full Time X 3.5	\$ 7,000

Law Enforcement Cost Estimate – Based on a budget for a standard Law Enforcement program model that includes police officials, dispatchers, administrative services, and supplies and equipment, the cost of a “Basic” program that would serve tribes with service populations ranging from 1,601-6,500 is estimated at \$2.0 million. The number of officers budgeted at each level generally follows a ratio of 2.8 officers per 1,000 residents. The table with the scalable Law Enforcement budget model shows the Basic program scaled to various levels based on tribal service populations. For example, tribes with a service population of less than 600 could be served by a Law Enforcement agency with a lower capacity at a cost of \$666,000, whereas tribes with a service population ranging from 16,251-19,500 would require a Law Enforcement presence three times the size at an annual cost of \$5.5 million.

Tribal Courts Cost Estimate – Data collected from 41 Tribal Court assessments completed by BIA over the past year was used to produce a scalable Tribal Court budget model. The size of the tribe’s service population drives the size of the court, and the size of the court drives the cost of the court. The table with the scalable Tribal Court budget model shows the cost of a Full Time Court that would serve tribes with service populations ranging from 1,601-6,500 is estimated at \$2.0 million and scaled to various levels based on tribal service populations. For example, tribes with a service population of less than 600 could be served by a court that operated for 4.3 months over the course of a year at a cost of \$717,000, whereas tribes with a service population ranging from 16,251-19,500 would require a tribal justice system 3 times the size of a Full Time Court, at an annual cost of \$6.0 million.

Detention/Corrections Cost Estimate – Unlike cost estimates for Law Enforcement and Tribal Court programs, where it is assumed there is a universal community need, this analysis estimates costs only for existing BIA-funded Detention/Corrections centers – not every community needs a Detention/Correction center. Staffing and operational needs for correctional programs are based, to a greater extent, on facility design rather than service population. Therefore, estimated total costs are based on individual staffing models developed for each BIA-funded jail based on National Institute of Corrections standards in connection with building layout, type of prisoners housed, and programs/services offered.

**Total Estimated Costs of PS&J programs in Indian Country**

Based on the costs estimates for these PS&J programs, the total annual estimated need for PS&J Programs in Indian Country is \$1.0 billion for Law Enforcement Programs, \$222.8 million for existing Detention Centers, and \$1.0 billion for Tribal Courts. For Law Enforcement Programs and Tribal Courts about 55 percent of the total estimated cost is for non-P.L. 280 states where tribes and the Federal government have criminal jurisdiction, and 45 percent is for costs in P.L. 280 states, which include 373 of the 585 tribal entities that the BIA PS&J funding supports, where state and local law enforcement have jurisdiction.

**Summary of Total Estimated Tribal Public Safety & Justice Program Costs**

State	Number of Tribes	Total Estimated Indian Service Population	Annual Program Cost Estimate (Dollars in Thousands)		
			Law Enforcement	Detention/ Corrections (Existing Programs Only)	Tribal Courts
<b>Non-P.L. 280 States</b>					
Alabama	1	1,914	\$ 2,019	\$ -	\$ 2,000
Arizona	19	118,566	\$ 47,694	\$ 42,471	\$ 48,405
Colorado	2	3,444	\$ 4,038	\$ 4,271	\$ 4,000
Connecticut	2	5,859	\$ 4,038	\$ -	\$ 4,000
District Of Columbia	0	0	\$ -	\$ 11,289	\$ -
Florida	2	4,269	\$ 2,686	\$ -	\$ 2,723
Iowa	1	1,426	\$ 1,333	\$ -	\$ 1,320
Idaho	4	15,726	\$ 7,013	\$ 5,157	\$ 7,043
Kansas	4	2,957	\$ 5,331	\$ -	\$ 5,280
Louisiana	4	1,985	\$ 3,332	\$ -	\$ 3,490
Massachussets	2	3,285	\$ 2,686	\$ -	\$ 2,723
Maine	4	9,491	\$ 8,077	\$ -	\$ 8,000
Michigan	12	33,432	\$ 21,525	\$ 2,822	\$ 21,446
Mississippi	1	9,199	\$ 2,994	\$ 6,007	\$ 3,000
Montana	7	46,435	\$ 18,876	\$ 19,940	\$ 18,999
North Carolina	1	8,600	\$ 2,994	\$ 2,479	\$ 3,000
North Dakota	4	35,463	\$ 12,685	\$ 10,504	\$ 12,999
New Mexico	23	245,712	\$ 97,573	\$ 42,421	\$ 104,256
Nevada	24	48,914	\$ 40,990	\$ 3,492	\$ 40,852
New York	8	47,564	\$ 17,349	\$ -	\$ 17,446
Oklahoma	38	471,738	\$ 161,364	\$ 4,445	\$ 170,438
Rhode Island	1	2,046	\$ 2,019	\$ -	\$ 2,000
South Carolina	1	1,847	\$ 2,019	\$ -	\$ 2,000
South Dakota	8	71,095	\$ 22,583	\$ 38,022	\$ 23,319
Texas	3	2,412	\$ 3,332	\$ -	\$ 3,363
Utah	5	8,573	\$ 7,350	\$ 480	\$ 7,280
Washington	29	178,956	\$ 59,177	\$ 17,983	\$ 59,041
Wyoming	2	12,312	\$ 5,168	\$ 1,500	\$ 5,320
<b>Totals - Non-P.L. 280 States</b>	<b>212</b>	<b>1,393,220</b>	<b>\$ 566,244</b>	<b>\$ 213,283</b>	<b>\$ 583,742</b>
<b>P.L. 280 States</b>					
Alaska	229	143,268	\$ 162,329	\$ 675	\$ 174,853
California	109	281,112	\$ 206,593	\$ -	\$ 205,741
Minnesota	11	42,210	\$ 18,799	\$ 3,858	\$ 18,683
Nebraska	4	15,360	\$ 8,520	\$ 1,545	\$ 8,640
Oregon	9	59,121	\$ 21,010	\$ 1,449	\$ 21,042
Wisconsin	11	34,876	\$ 24,162	\$ 2,019	\$ 23,999
<b>Totals - P.L. 280 States</b>	<b>373</b>	<b>575,947</b>	<b>\$ 441,412</b>	<b>\$ 9,546</b>	<b>\$ 452,958</b>
<b>All States</b>					
<b>Grand Totals - All States</b>	<b>585</b>	<b>1,969,167</b>	<b>\$ 1,007,656</b>	<b>\$ 222,829</b>	<b>\$ 1,036,700</b>



## **APPENDIX A: SUMMARY OF FINDINGS BY STATE**

The following tables summarize data for BIA Public Safety and Justice programs by state. There are separate tables for Law Enforcement, Detention/Corrections, and Tribal Court programs. Each table shows by state the number of tribes, the total estimated tribal service population, the annual estimated cost of those programs and Federal FTE and BIA appropriations expended for each of Fiscal Years 2011, 2012, and 2013. The information is broken out by P.L. 280 states - where tribes are subject to full or partial (concurrent) state criminal jurisdiction under P.L. 83-280 and non-P.L. 280 states, where the Federal Government and tribes have primary jurisdiction. The BIA funding and FTE information are further broken down into data by service provider, whether by BIA or through tribal 638 contracts or self-governance compacts.

There were 566 federally recognized tribes at the time this report was compiled (there are now 567). The total number of tribal entities in the summary tables (585) exceeds the number of federally recognized tribes because there are more organizations controlled, sanctioned, or chartered by tribes that are eligible under various statutes to do business with BIA than there are tribes. Of the 585, there are 212 tribes located in non-P.L. 280 states, and 373 tribes are located in P.L. 280 states, primarily in Alaska and California.

**Summary of Law Enforcement Funding and Estimated Total Costs by State**

**Non-Public Law 83-280 States**

State	Number of Tribes	Total Estimated Indian Service Population	Annual Program Cost Estimate	Federal FTE & Appropriations Expended (Dollars in Thousands)					
				FY 2011		FY 2012		FY 2013	
Alabama	1	1,914	\$ 2,019	0	\$ 555	0	\$ 503	0	\$ 404
Arizona	19	118,566	\$ 47,694	53	\$ 32,697	53	\$ 34,154	52	\$ 30,816
Colorado	2	3,444	\$ 4,038	16	\$ 4,887	13	\$ 2,907	13	\$ 2,655
Connecticut	2	5,859	\$ 4,038	0	\$ 685	0	\$ 746	0	\$ 663
District Of Columbia	0	0	\$ -	22	\$ 25,898	21	\$ 19,447	26	\$ 21,178
Florida	2	4,269	\$ 2,686	0	\$ 1,487	0	\$ 1,600	0	\$ 1,439
Iowa	1	1,426	\$ 1,333	0	\$ -	0	\$ -	0	\$ -
Idaho	4	15,726	\$ 7,013	0	\$ 4,295	0	\$ 3,959	0	\$ 3,571
Kansas	4	2,957	\$ 5,331	0	\$ 1,002	0	\$ 1,239	0	\$ 972
Louisiana	4	1,985	\$ 3,332	0	\$ 1,302	0	\$ 1,527	0	\$ 1,258
Massachusetts	2	3,285	\$ 2,686	0	\$ 134	0	\$ 243	0	\$ 128
Maine	4	9,491	\$ 8,077	0	\$ 1,493	0	\$ 1,772	0	\$ 1,450
Michigan	12	33,432	\$ 21,525	1	\$ 4,909	0	\$ 4,899	0	\$ 4,492
Mississippi	1	9,199	\$ 2,994	0	\$ 1,468	0	\$ 1,480	0	\$ 1,391
Montana	7	46,435	\$ 18,876	59	\$ 18,403	59	\$ 16,597	58	\$ 15,757
North Carolina	1	8,600	\$ 2,994	0	\$ 452	0	\$ 475	0	\$ 437
North Dakota	4	35,463	\$ 12,685	63	\$ 8,799	72	\$ 9,273	70	\$ 9,473
New Mexico	23	245,712	\$ 97,573	91	\$ 47,020	82	\$ 47,227	80	\$ 45,302
Nevada	24	48,914	\$ 40,990	20	\$ 6,494	20	\$ 7,114	20	\$ 6,054
New York	8	47,564	\$ 17,349	0	\$ 802	0	\$ 889	0	\$ 773
Oklahoma	38	471,738	\$ 161,364	76	\$ 17,770	76	\$ 20,880	76	\$ 16,158
Rhode Island	1	2,046	\$ 2,019	0	\$ 206	0	\$ 251	0	\$ 200
South Carolina	1	1,847	\$ 2,019	0	\$ -	0	\$ -	0	\$ -
South Dakota	8	71,095	\$ 22,583	39	\$ 17,622	41	\$ 16,480	41	\$ 15,108
Tennessee	0	0	\$ -	5	\$ 669	6	\$ 759	6	\$ 701
Texas	3	2,412	\$ 3,332	0	\$ 489	0	\$ 540	0	\$ 467
Utah	5	8,573	\$ 7,350	13	\$ 1,585	13	\$ 1,614	13	\$ 1,859
Washington	29	178,956	\$ 59,177	0	\$ 10,353	0	\$ 11,148	0	\$ 10,046
Wyoming	2	12,312	\$ 5,168	24	\$ 3,624	29	\$ 3,316	27	\$ 3,077
<b>Totals</b>	<b>212</b>	<b>1,393,220</b>	<b>\$ 566,244</b>	<b>482</b>	<b>\$ 215,099</b>	<b>485</b>	<b>\$ 211,041</b>	<b>482</b>	<b>\$ 195,830</b>



<b>BIA Direct Service Programs</b>	<b>482</b>	<b>\$ 92,833</b>	<b>485</b>	<b>\$ 82,344</b>	<b>482</b>	<b>\$ 81,572</b>
<b>Tribally Contracted/Compacted Programs</b>	<b>0</b>	<b>\$ 122,266</b>	<b>0</b>	<b>\$ 128,697</b>	<b>0</b>	<b>\$ 114,258</b>

**Public Law 83-280 States**

State	Number of Tribes	Total Estimated Indian Service Population	Annual Program Cost Estimate	Federal FTE & Appropriations Expended					
				FY 2011		FY 2012		FY 2013	
Alaska	229	143,268	\$ 162,329	0	\$ 776	0	\$ 815	0	\$ 739
California	109	281,112	\$ 206,593	0	\$ 687	1	\$ 1,123	1	\$ 928
Minnesota	11	42,210	\$ 18,799	5	\$ 5,038	5	\$ 6,090	5	\$ 4,922
Nebraska	4	15,360	\$ 8,520	8	\$ 3,163	10	\$ 3,402	10	\$ 2,996
Oregon	9	59,121	\$ 21,010	1	\$ 2,000	2	\$ 2,469	2	\$ 2,237
Wisconsin	11	34,876	\$ 24,162	0	\$ 1,690	1	\$ 2,220	1	\$ 2,105
<b>Totals</b>	<b>373</b>	<b>575,947</b>	<b>\$ 441,412</b>	<b>14</b>	<b>\$ 13,354</b>	<b>19</b>	<b>\$ 16,119</b>	<b>19</b>	<b>\$ 13,927</b>



<b>BIA Direct Service Programs</b>	<b>14</b>	<b>\$ 1,502</b>	<b>19</b>	<b>\$ 2,351</b>	<b>19</b>	<b>\$ 2,492</b>
<b>Tribally Contracted/Compacted Programs</b>	<b>0</b>	<b>\$ 11,852</b>	<b>0</b>	<b>\$ 13,768</b>	<b>0</b>	<b>\$ 11,434</b>

**All States**

<b>Grand Totals</b>	<b>585</b>	<b>1,969,167</b>	<b>\$ 1,007,656</b>	<b>496</b>	<b>\$ 228,453</b>	<b>504</b>	<b>\$ 227,160</b>	<b>501</b>	<b>\$ 209,757</b>
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<b>BIA Direct Service Programs</b>	<b>496</b>	<b>\$ 94,334</b>	<b>504</b>	<b>\$ 84,695</b>	<b>501</b>	<b>\$ 84,064</b>
<b>Tribally Contracted/Compacted Programs</b>	<b>0</b>	<b>\$ 134,118</b>	<b>0</b>	<b>\$ 142,465</b>	<b>0</b>	<b>\$ 125,692</b>

**Summary of Detention/Corrections Funding and Estimated Total Costs by State**

**Non-Public Law 83-280 States**

State	Number of Tribes	Total Estimated Indian Service Population	Annual Program Cost Estimate	Federal FTE & Appropriations Expended (Dollars in Thousands)					
				FY 2011		FY 2012		FY 2013	
Alabama	1	1,914	\$ -	0	\$ -	0	\$ -	0	\$ -
Arizona	19	118,566	\$ 42,471	20	\$ 17,987	24	\$ 20,126	25	\$ 19,370
Colorado	2	3,444	\$ 4,271	35	\$ 3,058	36	\$ 3,360	35	\$ 3,069
Connecticut	2	5,859	\$ -	0	\$ -	0	\$ -	0	\$ -
District Of Columbia	0	0	\$ 11,289	7	\$ 11,289	8	\$ 10,288	7	\$ 9,860
Florida	2	4,269	\$ -	0	\$ -	0	\$ -	0	\$ -
Iowa	1	1,426	\$ -	0	\$ -	0	\$ -	0	\$ -
Idaho	4	15,726	\$ 5,157	0	\$ 3,881	0	\$ 4,451	0	\$ 4,164
Kansas	4	2,957	\$ -	0	\$ -	0	\$ -	0	\$ -
Louisiana	4	1,985	\$ -	0	\$ -	0	\$ -	0	\$ -
Massachussets	2	3,285	\$ -	0	\$ -	0	\$ -	0	\$ -
Maine	4	9,491	\$ -	0	\$ -	0	\$ -	0	\$ -
Michigan	12	33,432	\$ 2,822	0	\$ 176	0	\$ 174	0	\$ 213
Mississippi	1	9,199	\$ 6,007	0	\$ 3,217	0	\$ 3,950	0	\$ 3,174
Montana	7	46,435	\$ 19,940	47	\$ 8,448	56	\$ 12,232	54	\$ 8,092
North Carolina	1	8,600	\$ 2,479	0	\$ -	0	\$ -	0	\$ -
North Dakota	4	35,463	\$ 10,504	32	\$ 7,299	35	\$ 9,750	36	\$ 6,632
New Mexico	23	245,712	\$ 42,421	0	\$ 7,177	0	\$ 7,523	1	\$ 8,031
Nevada	24	48,914	\$ 3,492	21	\$ 3,313	21	\$ 2,522	19	\$ 5,414
New York	8	47,564	\$ -	0	\$ -	0	\$ -	0	\$ -
Oklahoma	38	471,738	\$ 4,445	0	\$ 95	0	\$ 304	0	\$ 398
Rhode Island	1	2,046	\$ -	0	\$ -	0	\$ -	0	\$ -
South Carolina	1	1,847	\$ -	0	\$ -	0	\$ -	0	\$ -
South Dakota	8	71,095	\$ 38,022	32	\$ 18,513	44	\$ 17,513	42	\$ 15,310
Tennessee	0	0	\$ -	0	\$ -	0	\$ -	0	\$ -
Texas	3	2,412	\$ -	0	\$ -	0	\$ -	0	\$ -
Utah	5	8,573	\$ 480	3	\$ 231	3	\$ 321	3	\$ 238
Washington	29	178,956	\$ 17,983	10	\$ 5,080	10	\$ 6,209	9	\$ 6,296
Wyoming	2	12,312	\$ 1,500	8	\$ 3,098	11	\$ 1,817	11	\$ 1,205
<b>Totals</b>	<b>212</b>	<b>1,393,220</b>	<b>\$ 213,283</b>	<b>215</b>	<b>\$ 92,861</b>	<b>248</b>	<b>\$ 100,539</b>	<b>242</b>	<b>\$ 91,467</b>



<b>BIA Direct Service Programs</b>	<b>215</b>	<b>\$ 40,248</b>	<b>248</b>	<b>\$ 48,872</b>	<b>242</b>	<b>\$ 40,967</b>
<b>Tribally Contracted/Compacted Programs</b>	<b>0</b>	<b>\$ 52,613</b>	<b>0</b>	<b>\$ 51,666</b>	<b>0</b>	<b>\$ 50,500</b>

**Public Law 83-280 States**

State	Number of Tribes	Total Estimated Indian Service Population	Annual Program Cost Estimate	Federal FTE & Appropriations Expended					
				FY 2011		FY 2012		FY 2013	
Alaska	229	143,268	\$ 675	0	\$ 12	0	\$ 14	0	\$ 11
California	109	281,112	\$ -	0	\$ -	0	\$ -	0	\$ -
Minnesota	11	42,210	\$ 3,858	0	\$ 147	0	\$ 588	0	\$ 817
Nebraska	4	15,360	\$ 1,545	2	\$ 946	2	\$ 1,125	2	\$ 1,003
Oregon	9	59,121	\$ 1,449	0	\$ 498	0	\$ 541	0	\$ 756
Wisconsin	11	34,876	\$ 2,019	0	\$ 620	0	\$ 811	0	\$ 670
<b>Totals</b>	<b>373</b>	<b>575,947</b>	<b>\$ 9,546</b>	<b>2</b>	<b>\$ 2,222</b>	<b>2</b>	<b>\$ 3,078</b>	<b>2</b>	<b>\$ 3,258</b>



<b>BIA Direct Service Programs</b>	<b>2</b>	<b>\$ 285</b>	<b>2</b>	<b>\$ 401</b>	<b>2</b>	<b>\$ 292</b>
<b>Tribally Contracted/Compacted Programs</b>	<b>0</b>	<b>\$ 1,938</b>	<b>0</b>	<b>\$ 2,677</b>	<b>0</b>	<b>\$ 2,966</b>

**All States**

<b>Grand Totals</b>	<b>585</b>	<b>1,969,167</b>	<b>\$ 222,829</b>	<b>217</b>	<b>\$ 95,083</b>	<b>250</b>	<b>\$ 103,617</b>	<b>244</b>	<b>\$ 94,725</b>
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<b>BIA Direct Service Programs</b>	<b>217</b>	<b>\$ 40,533</b>	<b>250</b>	<b>\$ 49,273</b>	<b>244</b>	<b>\$ 41,259</b>
<b>Tribally Contracted/Compacted Programs</b>	<b>0</b>	<b>\$ 54,551</b>	<b>0</b>	<b>\$ 54,344</b>	<b>0</b>	<b>\$ 53,466</b>

**Summary of Tribal Courts Funding and Estimated Total Costs by State**

**Non-Public Law 83-280 States**

State	Number of Tribes	Total Estimated Indian Service Population	Annual Program Cost Estimate	Federal FTE & Appropriations Expended (Dollars in Thousands)					
				FY 2011		FY 2012		FY 2013	
Alabama	1	1,914	\$ 2,000	0	\$ 120	0	\$ -	0	\$ -
Arizona	19	118,566	\$ 48,405	0	\$ 1,987	0	\$ 2,657	0	\$ 2,767
Colorado	2	3,444	\$ 4,000	0	\$ 523	0	\$ 507	0	\$ 600
Connecticut	2	5,859	\$ 4,000	0	\$ -	0	\$ -	0	\$ -
District Of Columbia	0	0	\$ -	0	\$ -	0	\$ -	0	\$ -
Florida	2	4,269	\$ 2,723	0	\$ -	0	\$ -	0	\$ -
Iowa	1	1,426	\$ 1,320	0	\$ -	0	\$ 53	0	\$ 6
Idaho	4	15,726	\$ 7,043	0	\$ 606	0	\$ 586	0	\$ 920
Kansas	4	2,957	\$ 5,280	0	\$ 14	0	\$ 29	0	\$ 2
Louisiana	4	1,985	\$ 3,490	0	\$ -	0	\$ 30	0	\$ -
Massachussets	2	3,285	\$ 2,723	0	\$ 5	0	\$ -	0	\$ 17
Maine	4	9,491	\$ 8,000	0	\$ 44	0	\$ 59	0	\$ 40
Michigan	12	33,432	\$ 21,446	0	\$ 430	0	\$ 144	0	\$ 278
Mississippi	1	9,199	\$ 3,000	0	\$ 279	0	\$ 297	0	\$ 250
Montana	7	46,435	\$ 18,999	0	\$ 3,962	0	\$ 2,630	0	\$ 2,884
North Carolina	1	8,600	\$ 3,000	0	\$ 622	0	\$ 627	0	\$ 663
North Dakota	4	35,463	\$ 12,999	1	\$ 1,969	1	\$ 1,883	1	\$ 2,024
New Mexico	23	245,712	\$ 104,256	0	\$ 3,971	0	\$ 3,698	0	\$ 3,546
Nevada	24	48,914	\$ 40,852	0	\$ 1,359	0	\$ 940	0	\$ 1,073
New York	8	47,564	\$ 17,446	0	\$ 174	0	\$ 191	0	\$ 36
Oklahoma	38	471,738	\$ 170,438	6	\$ 1,429	4	\$ 1,058	5	\$ 1,182
Rhode Island	1	2,046	\$ 2,000	0	\$ -	0	\$ -	0	\$ -
South Carolina	1	1,847	\$ 2,000	0	\$ -	0	\$ -	0	\$ -
South Dakota	8	71,095	\$ 23,319	0	\$ 3,701	0	\$ 4,283	0	\$ 3,634
Tennessee	0	0	\$ -	0	\$ -	0	\$ -	0	\$ -
Texas	3	2,412	\$ 3,363	0	\$ 30	0	\$ 11	0	\$ 73
Utah	5	8,573	\$ 7,280	0	\$ 257	0	\$ 210	0	\$ 173
Washington	29	178,956	\$ 59,041	0	\$ 1,889	0	\$ 1,160	0	\$ 1,734
Wyoming	2	12,312	\$ 5,320	0	\$ 1,938	0	\$ 1,850	0	\$ 1,770
<b>Totals</b>	<b>212</b>	<b>1,393,220</b>	<b>\$ 583,742</b>	<b>7</b>	<b>\$ 25,310</b>	<b>5</b>	<b>\$ 22,901</b>	<b>6</b>	<b>\$ 23,670</b>



<b>BIA Direct Service Programs</b>	<b>7</b>	<b>\$ 1,160</b>	<b>5</b>	<b>\$ 1,078</b>	<b>6</b>	<b>\$ 1,138</b>
<b>Tribally Contracted/Compacted Programs</b>	<b>0</b>	<b>\$ 24,149</b>	<b>0</b>	<b>\$ 21,822</b>	<b>0</b>	<b>\$ 22,532</b>

**Public Law 83-280 States**

State	Number of Tribes	Total Estimated Indian Service Population	Annual Program Cost Estimate	Federal FTE & Appropriations Expended					
				FY 2011		FY 2012		FY 2013	
Alaska	229	143,268	\$ 174,853	0	\$ 132	0	\$ 16	0	\$ 14
California	109	281,112	\$ 205,741	0	\$ 47	0	\$ 87	0	\$ 70
Minnesota	11	42,210	\$ 18,683	0	\$ 672	0	\$ 349	0	\$ 550
Nebraska	4	15,360	\$ 8,640	0	\$ 561	0	\$ 476	0	\$ 491
Oregon	9	59,121	\$ 21,042	0	\$ 941	0	\$ 867	0	\$ 1,007
Wisconsin	11	34,876	\$ 23,999	0	\$ 977	0	\$ 952	0	\$ 1,035
<b>Totals</b>	<b>373</b>	<b>575,947</b>	<b>\$ 452,958</b>	<b>0</b>	<b>\$ 3,330</b>	<b>0</b>	<b>\$ 2,746</b>	<b>0</b>	<b>\$ 3,167</b>



<b>BIA Direct Service Programs</b>	<b>0</b>	<b>\$ 529</b>	<b>0</b>	<b>\$ 627</b>	<b>0</b>	<b>\$ 539</b>
<b>Tribally Contracted/Compacted Programs</b>	<b>0</b>	<b>\$ 2,801</b>	<b>0</b>	<b>\$ 2,119</b>	<b>0</b>	<b>\$ 2,628</b>

**All States**

<b>Grand Totals</b>	<b>585</b>	<b>1,969,167</b>	<b>\$ 1,036,700</b>	<b>7</b>	<b>\$ 28,639</b>	<b>5</b>	<b>\$ 25,647</b>	<b>6</b>	<b>\$ 26,837</b>
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<b>BIA Direct Service Programs</b>	<b>7</b>	<b>\$ 1,689</b>	<b>5</b>	<b>\$ 1,705</b>	<b>6</b>	<b>\$ 1,677</b>
<b>Tribally Contracted/Compacted Programs</b>	<b>0</b>	<b>\$ 26,950</b>	<b>0</b>	<b>\$ 23,942</b>	<b>0</b>	<b>\$ 25,160</b>

## **APPENDIX B: TRIBAL LAW AND ORDER ACT REPORTING REQUIREMENTS**

Public Law 111-211, The Tribal Law and Order Act of 2010  
Section 211 (b)(16)

Requires the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS) to submit to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding tribal Public Safety and Justice programs that includes –

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