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**Final Report:  
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IASAP Demonstration Project**

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## **EXECUTIVE SUMMARY**

### **I.) PROGRAM DESCRIPTION**

In 2006, the National Institute of Justice awarded a 24-month contract to the Native American Research and Training Center (NARTC) at the University of Arizona (UA) to conduct a participatory evaluation of the Sisseton Wahpeton Oyate (SWO) Indian Alcohol Substance Abuse Program (IASAP) in partnership with the SWO tribal court and law enforcement agency of the Lake Traverse Reservation. The primary aims of the evaluation were to determine whether (1) the SWO (IASAP) demonstration project was successful in achieving its stated program goals, and (2) if the outcomes of the demonstration project have application for other tribal communities.

A rash of alcohol related fatalities pressed the tribe into action, resulting in the application for IASAP funding. The overalls goal of the SWO application were to lower alcohol-related motor vehicle fatalities and to decrease access to and abuse of alcohol and other illicit substances by tribal youth. To accomplish this, the tribal justice system proposed to intercept and prosecute those engaged in alcohol/drug distribution, especially to minors, reduce substance abuse related crimes, decrease alcohol related motor vehicle accidents, and increase access of culturally appropriate treatment programs for youth in the justice system. (SWO proposal 2002).

#### **I.1) The Sisseton Wahpeton Oyate Tribe**

According to the U.S. Census, the SWO tribal population in 2000 was 12,063; median age was 24.5. Over 59 percent of the households reported youth living at home under 18 years of age. Data from a special tribal census conducted in 2003 indicate that over 60 percent of the tribe lived in poverty, and 40 percent are unemployed. Alcohol abuse, lack of jobs, lack of job skills, and lack of education are cited as major barriers to employment.

#### **I.2) SWO Law Enforcement and Justice System**

The tribal police department is vastly understaffed with only a seven member force. Much of the day-to-day business for law enforcement in the SWO community is alcohol or substance abuse related. The tribal jail has a 22 inmate capacity, which is inadequate, and the tribal jail has no provision for juveniles.

The core of the SWO tribal justice system is the tribal court. A treatment court is one of the activities of the court, which promotes restorative justice by emphasizing culturally-based

treatment as the initial stage in the rehabilitation of clients. This approach provides supervision and the necessary legal pressure for defendants to remain in treatment for a year or more.

## **II) SCOPE AND METHODOLOGY**

To accomplish the evaluation, the evaluation team agreed on the following goals: (1) establish an Evaluation Oversight Committee (EOC) consisting of tribal members and University of Arizona evaluators; (2) develop a logic model that described the evaluation process; and 3) evaluate the project based on the goals described in the SWO-IASAP proposal; and 4) provide needed ongoing technical assistance in data management to help foster project sustainability. The evaluation process utilized quantitative, qualitative, and secondary data. The quantitative source was based on a survey conducted with 100 community members to assess the community's perception of tribal efforts to address alcohol and drug abuse related problems. Qualitative sources were based on data obtained from five focus groups, informal and formal interviews, discussions with key staff members during field visits, etc. Relevant secondary data sources were also obtained to support and expand on the empirical data. The fourth goal, to provide technical assistance on data management to the IASAP program, was not achieved because existing tribal program data systems were not electronic.

The SWO-IASAP proposed the following six goals, which became the basis of reevaluating the program:

**Goal 1:** To develop a project advisory team.

**Goal 2:** To identify, apprehend, and prosecute those who illegally transport, distribute, and use alcohol and controlled substances:

**Goal 3:** To prevent and reduce the number of alcohol and substance abuse-related crimes, traffic fatalities, and injuries.

**Goal 4:** To develop and enhance collaboration with federal, state, tribal, and local justice agencies by establishing MOUs

**Goal 5:** To integrate tribal and non-tribal services for offenders and their families

**Goal 6: To make available Culturally Appropriate Treatment Services**

## **III) DETAILED FINDINGS:**

### **III.1) Secondary Data Sources**

Adult arrests fluctuated between 2001 – 2005, with the fewest number of arrests in 2004. For the juveniles, total arrests showed an upward trend until 2003, and then a decrease in total numbers for 2004 and 2005. The proportion of arrests that were alcohol and other drug (AOD) related also showed a similar trend, with the highest peak in 2003. In contrast, the percentage of traffic violations for juveniles due to DUI's was lowest in 2003.

The number of cases tried by the tribal court increased significantly over the three years (2004 – 2006) that data were provided to the evaluation team. Cases for juvenile delinquency appeared to have dropped, and the decrease in housing cases dropped considerably from 2004 to 2006. The tribal court has on average maintained a caseload of 75 individuals. Statistics from the treatment court for young adults between the ages of 19 and 25 years indicate that about one in three participants complete the drug court requirement without dropping out.

### **III.2) Survey Results**

- Three out of four respondents listed alcohol, drugs, or both, as the major problem(s) in the SWO community.
- When asked to gauge changes (for better or worse) with the problems identified compared to two years ago, most respondents either saw no change or felt problems had become worse.
- Specific youth-related problems and issues identified by respondents included drug use, gang activity, burglary and vandalism. Parents, elders, and service providers also noted an increase in these problems for youth.
- Of those who required police services, over 40% said they were either somewhat or very satisfied with the law enforcement response. Although not statistically significant, respondents who tend to be less satisfied were parents who had children living at home.
- While 58 percent felt that law enforcement was doing a fair or better job with alcohol related crimes compared to two years ago, only 38 percent said the same for enforcement of drug crimes.
- Most respondents felt that drug dealers were getting off too lightly.
- Over half of the respondents (55%) believed that their community has become less safe over the past two years. One third of these individuals attributed this to youth drinking or drugging and/or adopting gang behaviors.



- Because the IASAP activities were integrated into the ongoing services of the court and law enforcement, it was not surprising to find that the overwhelming majority (95%) of the respondents had never heard of the IASAP demonstration project as a separate program.

### **III.3.3) Focus group and interview results**

**Community Support:** The community expects the law enforcement, treatment centers, and the court to be responsible for addressing the social problems caused by alcohol and drugs.

**Culture:** Having cultural practices as part of treatment does not help if youth do not come back and practice the cultural activities. Culture is important but there are very few people who know it, and instructions about culture are inadequate. Once individuals start to learn about their culture, they want to learn more. More youth are going into sweats and are more open to cultural activities.

**Delinquency:** Youth are getting alcohol because there are adults willing to purchase alcohol for them or when alcohol is available in the home, parents or other adults do not realize that the youth are taking alcohol out of the home to share with peers.

**Discrimination:** SWO members in state courts are not always informed about the tribal treatment court.

**Resources:** It is difficult to get youth to participate in youth programs. Supervision is inadequate in the youth centers - youth either engage in fights or manage to bring alcohol or drugs into the center. There is an inadequate number of counseling staff on the reservation.

**Treatment:** Youth do not show up when they are supposed to. Reasons may include transportation problems, lack of family involvement, or family not holding the child accountable. There are no family groups for outpatient youth. Treatment providers for youth do not appear to be consistent in their aftercare schedules, and the youth pay for that inconsistency by having to spend more time in probation. Residential treatment changed the youth, making them more motivated and interested in aftercare. There is interest in having a residential treatment program on the reservation for youth as well as the halfway house.

**Tribal Efforts:** More needs to be done to have a comprehensive program for the arrestees, such as a re-entry program. Law enforcement needs to show more of a presence in the community. Ways are needed to make parents more accountable when their children are going through probation. A court-appointed advocate is needed for the SWO tribal members.

**Law Enforcement:** The juveniles are not reporting the actual person who was furnishing alcohol to them and are instead implicating innocent people. Law enforcement has been successful in enforcing the DUI laws.

#### **IV) ANALYSIS AND DISCUSSION:**

The following goals delineated by SWO in its application to IASAP provided the basis for the evaluation

##### **Goal 1: To develop a project advisory team.**

The advisory team was renamed the Treatment Team due to the key activity of the committee once the IASAP was implemented. Because the Treatment Team included all key stake holders of the IASAP, the Treatment Team was subsequently designated by Judge Jones to be the current project's Evaluation Oversight Committee.

##### **Goal 2: To identify, apprehend, and prosecute those who illegally transport, distribute, and use alcohol and controlled substances:**

Hiring an additional law enforcement officer to oversee the investigation of AOD offenses on the Lake Traverse Reservation helped the department to institute initiatives to reduce underage drinking and drug use and to raise community awareness about the dangers of drinking and driving. As a result of chronic understaffing, the responsibilities of this law enforcement officer were not targeted at traffickers as originally proposed. Thus the actions and the impact of this particular individual were not documented, nor were they necessarily relevant to this goal of the IASAP.

##### **Goal 3: To prevent and reduce the number of alcohol and substance abuse-related crimes, traffic fatalities, and injuries.**

Only one alcohol related motor vehicle fatality occurred during the demonstration phase of SWO's IASAP between 2003 and 2006, that of a tribal elder killed by a non-Indian drunk driver. Between 2003 and 2005, total alcohol and other drug-related juvenile arrests on the SWO Reservation dropped from 396 to 250 (-37 percent) while the number of juvenile DUIs increased from 8 to 10. The impact of the project on reducing AOD related crime was difficult to determine due to the reservation's checkerboard legal jurisdiction alternating between tribal, county, state, and federal law enforcement agencies, each with its own separate database that is not shared. However, with the addition of a project funded law enforcement officer, there was

greater law enforcement presence in the community and increased collaboration with community groups such as MADD for education and prevention purposes.

**Goal 4: To develop and enhance collaboration with federal, state, tribal, and local justice agencies by establishing MOUs**

Some MOUs are in place but have not been ratified by either the SWO Tribal Council or the respective county governments. The delay, however, did not stop efforts by SWO law enforcement to cross-deputize officers when the need to do so was urgent. The Chief of Police reports that informal collaboration with state and county law enforcement is generally good.

**Goal 5: To integrate tribal and non-tribal services for offenders and their families**

The addition of a juvenile probation officer to the tribal court improved the court's ability to monitor and supervise juvenile probationers (who were referred to the tribal court), improved coordination with county, state, and federal probation officers working with SWO youth, and made it possible for the court to put youth on probation instead of releasing them after an arrest.

**Goal 6: To make available Culturally Appropriate Treatment Services**

A cultural resource person was hired to work with the youth on probation. She offered sessions on cultural history, language, and other cultural traditions, i.e., drumming, singing, and learning about and attending events such as the Sun Dance. The Treatment Team also referred the youth to existing programs, such as the outpatient substance abuse treatment program provided by the Indian Health Service and tribal resources such as the Dakotah Pride. Because of the multiple agencies involved in securing treatment and the lack of a centralized database, no documentation or outcome data were collected that would have allowed an evaluation of the impact of these culturally appropriate approaches.

**V) CONCLUSIONS AND RECOMMENDATIONS:**

- (1) Although the efforts of the SWO-IASAP resulted in an admirable study of collaboration between tribal law enforcement, the court, probation, and treatment, their efforts had been hampered substantially by many factors. Chief among them is the chronic and substantial lack of resources.
- (2) The need for more community education, involvement and interaction with tribal law enforcement is indicated by the results of this evaluation. The community was critical in its appraisal of the tribal response to AOD issues, but passive in its own response.

(3) Relationships between tribal law enforcement with those of the state and county appear to be better informally than formally. Two SWO officers (one under BIA and one under the SWO Chief of Police) have been cross deputized by the state, allowing them to arrest non-Indians on tribal lands.

(4) Interviews, surveys and focus groups point to the absence of AOD free entertainment or diversion for youth that could prevent AOD abuse. Although there are many programs for youth, they are not utilized effectively.

(5) Cultural considerations: Detractors of the use of traditional practices as part of the probationer's education and alcohol intervention are those who do not want their children to be exposed to non-Christian practices.

(6) An increase in the availability of early intervention services: Parents need assistance to obtain affordable early interventions for their children. Early intervention services are not reimbursable and neither the tribe nor IHS provides parents with financial assistance for those services. Instead, as noted in focus group discussions, the system does not begin to intervene in the youth's decline into delinquency and substance use until the situation becomes problematic and the youth gets into trouble with the law and also becomes more difficult to treat. Only then does the tribe or IHS assume the cost burden for intervention services.

In conclusion, the SWO IASAP highlighted the needs of the Oyate and the commitment of their officials to combat the alcohol and drug problem in the face of tremendous challenges. Even with the chronic lack of resources, including low staffing, and inadequate or lack of treatment and detention facilities, the court probation officers were able to improve the supervision of the juvenile probationers by networking and collaborating with schools and other providers, and the law enforcement officers were able to work with community agencies to increase community awareness. However, tangible results will require sustained and targeted efforts that can occur only when there are sufficient resources to ensure that basic services are not in jeopardy.

The SWO IASAP demonstration project has application for other tribes, because it demonstrates that despite the lack of a reservation-based program for youth, it was able to use its probation staff to help the youth access and utilize existing resources to improve their treatment outcomes.

## **VI) Dissemination activities performed or prepared about the project outside of the technical report.**

### a) Presentation at Scholarly Conferences:

12/7/06: (Dr. Chong) “SWO IASAP Demonstration Project” at the Justice for Victims of Tribe Conference. Palm Springs, CA.

6/6/07: (Dr. Joe). “Using Collaborative Research to Address Health Disparities.” Indian Health Service Research Conference. Phoenix, AZ.

7/23/07: (Dr. Joe). “Substance Abuse: An Ongoing Search for Solutions by One Tribal Community.” Annual NIJ Conference. Crystal City, VA.

8/2-3/07: (Dr. Chong and Judge Jones). “Sisseton Wahpeton Oyate IASAP Demonstration Project.” Crime Data and Information Sharing Conference. Phoenix, AZ.

### b) Report to the SWO Tribal Council:

8/22/07: (Drs. Chong, Joe, Judge Jones, Crossland, and Capt. Gaikowski). Report to the Council on the SWO IASAP Participatory Evaluation. New Agency, SD.

### c) Report to the SWO Community:

9/15/07: “SWO Demo Project has Worked; But Long-term Follow-up in Hands of Oyate Community.” Article prepared by Evaluation Team and published in *Sota Iya Ye Yapi*, SWO tribal newspaper. New Agency, SD.

### d) Manuscripts in preparation:

1) Drs. Joe and Chong. “Challenges in the Inclusion of ‘Culture’ in Substance Abuse Treatment for Indian Youth.” This paper discusses the difficulty of treatment “matching” when Indian youth have little or no knowledge of their cultural traditions or therapeutic interventions. A specific refereed journal for this submission has not been determined.

2) Drs, Joe, Chong, Hassin, Lopez, and King: Lessons Learned in Conducting Participatory Evaluation: Two Examples. This paper will compare the experiences, challenges, and lessons learned from conducting the two participatory research projects on two checkerboard reservations. This paper is in the discussion stages.

## **I) PROGRAM DESCRIPTION**

This component of the final technical report focuses on the participatory evaluation of the results of an Bureau of Justice Assistance (BJA) funded Indian Alcohol and Substance Abuse Program (IASAP) program conducted in partnership with the Sisseton-Wahpeton-Oyate (SWO) tribal court and law enforcement agency on the Lake Traverse Reservation. The overall purpose of the evaluation was to determine *(1) if the SWO demonstration project funded by the IASAP was completely implemented, (2) if the interventions implemented were effective, and (3) if the project has applications for other tribal communities confronting problems of alcohol and substance abuse.*

This evaluation focused primarily on the six goals proposed by SWO in their IASAP Demonstration Project: 1) to develop a project advisory team; 2) to identify, apprehend, and prosecute those who illegally transport, distribute, and use alcohol and controlled substances; 3) to prevent and reduce the number of alcohol and substance abuse-related crimes, traffic fatalities, and injuries; 4) to develop and enhance collaboration with federal, state, tribal, and local criminal justice agencies; 5) to integrate tribal and non-tribal services for offenders and their families; and 6) to make available culturally appropriate treatment and other services. To address these goals, four main objectives were proposed calling for additional staff, a law enforcement officer, a part time juvenile tracker (juvenile probationer), and a part time court-base client counselor. The activities proposed targeted law enforcement activities, prevention and intervention activities for the court-involved youth, and education activities in the SWO community.

The IASAP application submitted by SWO noted that between 2001 and 2003, the community became alarmed when ten young adults, ages 15-24, died (eight in a two week period) in alcohol-related motor vehicle accidents. The devastation spurred the SWO tribal government and programs to form a task force to explore ways to address this problem. Representatives on the task force included staff from the tribal court and from tribal law enforcement. Together they submitted an application to the BJA for IASAP for funding.

The authorization for the IASAP funding from BJA was allowed under the Fiscal Year 2001 Consolidated Appropriation Act. The purpose of the IASAP resource is to help tribes plan and implement programs to reduce and control crime associated with the distribution and abuse of alcohol and other controlled substances (BJA, 2007).

## **I.1) Background: Substance Abuse Problems in Native Communities**

At the encouragement of many tribal leaders and advocates, the federal government in 1832 established a policy prohibiting possession and use of alcohol by Indians as well as selling of alcohol to Indians. This policy was not repealed until 1953. Despite the prohibition, alcohol abuse and alcoholism continued throughout successive generations, and when motor vehicles became the most popular mode of transportation, alcohol related motor vehicle accidents caused drastic increases in alcohol related mortality and morbidity. As alcohol-related mortality and morbidity continued unabated over the years, the federal government initiated a number of resources to prevent and treat alcohol abuse and alcoholism in tribal communities. In addition to resources under IASAP, various alcohol and substance abuse prevention and treatment programs have been implemented. For example, one of the recent key policies enacted by Congress has been the passage of the 1986 Indian Alcohol and Substance Abuse Prevention and Treatment, PL 99-570, which authorized a comprehensive and coordinated attack on illegal drug trafficking in Indian country and on the deleterious impact of alcohol and substance abuse on tribal communities. The policy also gave tribes an opportunity to develop and implement coordinated programs for prevention and treatment. Amendments to this policy expanded the authority to include problems of alcohol and substance abuse among Indian youth.

Scholarly and public health interest in this problem is also ongoing. Numerous studies and reports indicate that alcohol and drug abuse and related crimes continue to be a challenge for many tribes, including SWO. According to one recent federal Indian Health Service (IHS) statistical report, alcohol related mortality among American Indians (AI) for 1995-1998 was 7.4 times the U.S. rate, all races (IHS, 2004). Studies of specific tribes and urban Indian populations also show that rates of alcohol and substance abuse vary inter-tribally (Spicer et al., 2003; Denny et al., 2003), by age group, and by gender (May 1995). Most reported drinking behavior occurs among American Indians and Alaska Natives<sup>1</sup> between ages 15 – 44. Rates of alcohol use among AI youth are also quite high. Oetting and Beauvais (1989) report that 96% of AI male and AI 92% of female in the 12<sup>th</sup> graders report they have used alcohol. National Center for Health Statistics (NCHS) data indicate that 21% of AI, age 12 – 17, have used alcohol within the previous month and that AI are five times as likely to die from alcohol related causes as non-Indians (NCHS 1999).

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<sup>1</sup> AI/AN is used in this report to refer to American Indian and Alaska Native.

The IHS calculates that mortality rates from alcoholism and alcohol abuse among reservation based American Indians compared to rates in the general population were 13.5 times the rate for ages 25-34 and 9.1 times the rate for ages 35-44 (IHS, 2004). Four of the ten leading causes of death among American Indians include chronic liver disease and cirrhosis, suicide, homicide, and accidents--are alcohol related (May, 1995; Wallace et al., 1997). Citing IHS statistics for the period 1986 – 1988, May (1995) found that 17 – 19% of all AI/AN deaths were alcohol related compared with 4.7% for the U.S., all races. These figures include alcohol related deaths from vehicular accidents (65%), suicide (75%), and homicide (86%). Alcohol related motor vehicle deaths for 1997 were three times the U.S. all persons rate, and motor vehicle accidents and unintentional injuries were the leading cause of death for AI, ages 1-44 (IHS, 2004). May attributes most alcohol related deaths to “recreational” or “binge” drinking (predominantly men, ages 15 – 35) as opposed to “chronic alcoholism” (anxiety drinking), and May (1995) notes that among Indians, recreational or binge drinkers outnumber chronic alcoholics by 3:1.

According to the Bureau of Justice Assistance (BJA), 62 percent of crimes (1992 – 2001) in Indian country were alcohol related compared to 42 percent for the U.S. resident population (Perry, 2004). In reported cases of violent crimes where the substance user was known to the victim, 48 percent were under the influence of alcohol, 9 percent were under the influence of drugs, and 14 percent were under the influence of both alcohol and drugs. This report also indicated the rates of violent crime on Indian reservations were 2.5 times that of the U.S. resident population. Notably, AI women experience rates of sexual assault double that of the U.S. all women rate, and 40 percent of domestic violence cases among Indians involve alcohol use. Liquor law violation arrest rates among Indians during 1992 – 2001 were 2.8 times that of the U.S. population, all races (Perry, 2004).

Age adjusted rates of AI mortality associated with illicit drug use in 1997 were 1.8 times greater than the U.S. all races rate (IHS, 2004). Over 51 percent of AI over age 12 report using illicit drugs (marijuana, inhalants, prescription drugs, methamphetamine, cocaine) compared to rates of use among other ethnic groups that range from 20.8 percent (Asians) to 42 percent (whites) (SAMHSA, 2000). Among American youth, 31.2 percent report using drugs within the past year. The National Institute on Drug Abuse (NIDA, 1998) survey results show decreasing drug use for AI students except for marijuana and hallucinogen use, which show an increase in



use. American Indians have higher rates for marijuana use across all age groups compared to non-Indians: 12-17 years: 18.4 percent vs. 6.9-7.3 percent; 18-25 years: 25.4 percent vs. 6.1-14.4 percent; 26-34 years, 12.6 percent vs. 3.6-9.2 percent. The rate of current illicit drug use among 12-17 year olds is 22.2 percent (SAMHSA, 2000). Rates of hallucinogen use by 12-17 year olds were 3.79 percent for AI compared to 0.2-1.1 percent for non-Indians (SAMHSA, 2000). Many of those who use illicit drugs are poly-substance abusers.

## **I.2) Background: Community Based Substance Abuse Prevention/Treatment Programs**

Results of community-wide intervention and prevention efforts on reservations have been mixed. Among those that were considered successful were programs in which whole communities acted together toward a common goal, had the resources to enhance and develop community capacity, influenced policy, and created the necessary infrastructure to sustain prevention and intervention programs (Jumper-Thurman et al., 2004; Noe et al., 2004). Examples included the unique community effort made by the *Alkali Lake Band* of the Shuswaq Indians in British Columbia, which resulted in a reduced alcohol consumption prevalence from 95% to 5% (Guillory et al., 1988); the *Community Readiness Model (CRM)* developed by the Tri-Ethnic Center for Prevention Research at Colorado State University (Edwards et al., 2000; Oetting et al., 1995); and the *Healthy Nations Initiatives (HNI)* projects funded by the Robert Wood Johnson Foundation (Noe et al., 2004).

Although very few tribal communities have participated, one of the National Institute of Justice's (NIJ) more effective community based programs to combat drugs and crime has been *Operation Weed and Seed*, a strategy used in urban neighborhoods to control violent crime, drug trafficking, and drug related activities in order to create a safe environment (Roehl et al., 1996; Dunworth and Mills, 1999; Plested et al., 1998). Implemented in over 200 communities by 2000, the program linked law enforcement efforts ("weeding") with human services activities ("seeding"), i.e., seeding the neighborhood with "prevention, intervention, treatment, and revitalization" to deter crime (Roehl et al., 1996). Evaluation of the program found six key factors to program success: 1) strength of the social/institutional infrastructure; 2) severity of crime problems; 3) economic development potential; 4) transience of population; 5) strength of leadership; and, 6) how sites concentrated their program resources (Dunworth and Mills, 1999).

In summary, alcohol and drug abuse continue to be major problems for many tribal communities. While prevention efforts are less likely to be documented, recent studies show that tribal community based approaches for the treatment of substance abuse are evidencing success when adequate resources are available to develop and sustain these treatment modalities (Noe et al., 2004). The need to develop appropriate resources has been a significant factor in implementing the SWO-IASAP.

### **I.3) A History of the SWO Reservation and its De-establishment:**

Understanding the problems faced by SWO tribal officials in implementing the IASAP necessitates an awareness and appreciation of the history of the SWO and how this history impacts contemporary issues of law enforcement jurisdiction for the tribe.

Before European contact, the Dakota bands lived around Lake Superior and subsisted on hunting, fishing, and agricultural activity. Intertribal conflict over territory with the Ojibwa was longstanding but became deadly when Ojibwa warriors were able to obtain guns from the French. The use of firearms drove the Dakota tribes westward towards what are now the states of Minnesota, North Dakota, and South Dakota. The Dakotah tribes' move to South and North Dakota, however, was not fully accomplished until Congress abrogated all previous treaties with the Eastern Dakota bands and ordered them out of state of Minnesota.

This abrogation of treaties and banishment were the result of the tribe's involvement in Little Crow's War, which erupted in 1864 when white settlers encroached onto the tribe's lands, forcing the tribe into starvation. The encroachment barred the tribe's access to their ancestral fishing and hunting grounds while at the same time the government failed to furnish promised food rations. The widespread resulting hunger forced Little Crow and his Dakota warriors to strike out at the military and other white settlers. Retaliation by the white settlers and the military was swift, and Dakota warriors were pushed into submission. The final outcome of the war resulted in the hanging of 38 Dakota warriors in 1862 and the congressionally mandated forced removal of the Dakota bands into North and South Dakota (Anderson, 1986).

In 1867, after considerable lobbying and support, the landless Dakota bands were given a sizable reservation in eastern South Dakota and North Dakota plus an additional eight million acres outside the reservation boundaries. The sizable SWO land base, however, started to diminish almost immediately. In 1872, the federal government seized the extra eight million

acres of the land without the tribe's consent, and because the tribe did not have the resources to fight for the return of land, the tribe was forced to accept the government's offer of ten cents per acre for the eight million acres of land (Wunder and Esqueda 2000). Government efforts to force all tribal members onto the Lake Traverse Reservation, however, continued to be met with resistance. Those who were willing to settle on the reservation and consented to be assimilated were labeled by the Indian agents as the "church party," implying that these members were church-abiding Christians. Those who resisted the reservation life were called the "scout party," a designation given to members of the tribe who resisted the order to settle on the reservation until the U.S. government paid them for their services as scouts during the 1862 conflict (Myer, 1993; Utley, 1963).

Because not all of the reservation was occupied, pressure by white settlers to open the land to non-Indians increased, helped by the passage of the General Allotment Act of 1887, a government policy that called for allotment of approximately 160 acres of land to tribal members, and for land not allotted to be declared surplus land to be sold to the U.S. government, which in turn would open up the land for purchase by non-Indians.

The allotment of land to tribal members, however, did not mean clear title to the land. Those allotted land had to farm 50 acres that had to be fenced, ploughed, and in crop for five consecutive years before the tribal member was given a patent for the land. Most tribal members lacked the resources to cultivate the required 50 acres, forcing some to leave the reservation to seek other parcels of farm land under the Homestead Act, where they were not required to cultivate 50 acres. This requirement to farm 50 acres was later criticized by some advocates as an attempt by Indian agents and policymakers to keep tribal members from getting patents to their land because lands without patents were reclaimed by the government and declared as part of surplus land (Wunder and Esqueda, 2000).

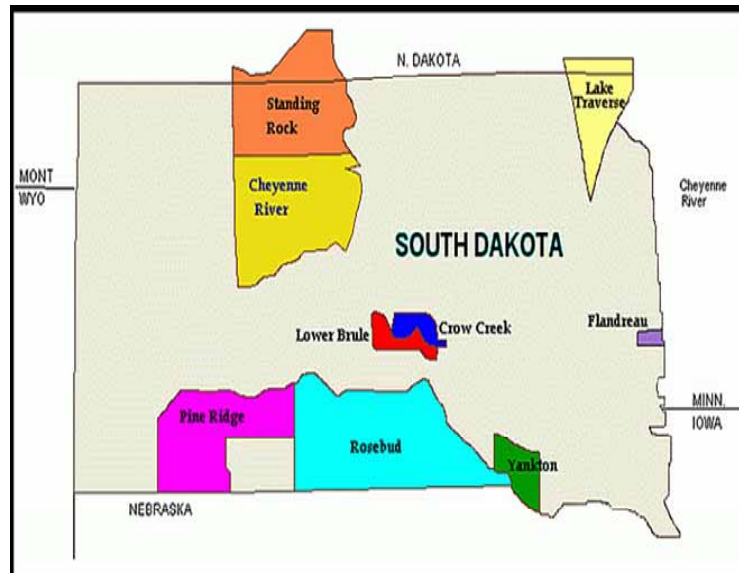
The Lake Traverse Reservation, with its fertile agricultural land, was especially attractive to non-Indians settlers living along the boundaries of the Reservation. In 1889, some of these residents send representatives from eight counties to pressure the federal government to make unallocated Reservation land available to non-Indians. To garner support from some of the tribal membership, the group, which called itself the Convention of Eight Counties, also asked the federal government to compensate the Scouts for their services. The non-Indian petition

eventually was successful with the passage in 1891 of the Sisseton Wahpeton Surplus Land Act (Wunder and Esqueda 2000).

The consent to sell the surplus land was helped by several years of severe drought conditions, which forced many tribal members to give up farming and to move off the reservation. This economic hardship and out migration also crippled the tribal government. For example, the tribe failed to hold an election in 1887, and when the Sisseton Wahpeton Surplus Land Act was passed in 1891, there was little opposition to selling of the land for \$2.50 an acre. Tribal historians note that on April 15, 1892, when the sale of the land was launched, approximately 3,000 non-Indians camped along the reservation borders for days in order to buy parcels of the five hundred thousand acres (Black Thunder et al., 1972).

Today the Lake Traverse Reservation, land of the Sisseton-Wahpeton Oyate (SWO) is a checkerboard, with some parcels of land owned by non-Indians. The following map indicates all of the Indian reservations in South Dakota, including Lake Traverse:

**Exhibit 1: Map of South Dakota with American Indian Reservations highlighted**



#### **I.4) The Sisseton Wahpeton Oyate Tribe Today**

The Sisseton and Wahpeton Oyate tribe consists of two of the four bands of the Isanti division of the Dakota Sioux: the Sisseton (“people of the river”) and the Wahpeton (“people of the woodlands”). Both bands speak the “D” dialect, or “Dakota,” of the Siouan language (Crawford and Hackson, n.d.). In 1996, the tribe known primarily as the Sisseton Wahpeton Tribe added Oyate (people) to their tribal designation and became officially the Sisseton-Wahpeton Oyate (SWO) tribe. The reservation is approximately 250,000 acres: 27,046 are owned by the tribe; 81,875 owned by individual tribal members, and 141,098 owned by non-Indians (Cochran 2002; Crawford and Hackson, n.d.). Over 6800 non-Indians, therefore, reside within the boundaries of the Reservation.

Sections of the Lake Traverse Reservation fall into the neighboring states of North Dakota and Minnesota, with boundaries that involve five counties in South Dakota, two counties in North Dakota, and one county in Minnesota. The Reservation itself consists of the following seven geopolitical districts: Old Agency, Big Coulee, Lake Traverse, Long Hollow, Buffalo Lake, Veblen (Heipa) and Enemy Swim.

##### **I.4.1) SWO Tribal Infrastructure**

Self governance is an integral part of the SWO tribal history. The tribe organized and established its own tribal government in 1867 when Lake Traverse Reservation was formally established. The Indian agents, however, were not always pleased with the business conducted by the original leadership, because the council meetings were conducted primarily in Dakota instead of the English language (Black Thunder, 1972).

Today, the Tribe is governed by an elected Tribal Council whose member represents each of the seven geopolitical districts, and council members are elected every two years. The elected council members make up the Legislative Branch. The Executive Branch consists of the three officers elected at large every two years.

The Judicial Branch of the SWO Tribal Government is autonomous and includes the tribal court and law enforcement. A three-member judicial committee is appointed by the Tribal Council to serve as a liaison between the Legislative and Executive Branches. Similarly there is also a police commission whose members are appointed by the Council. Members of the Judicial and Police Commission keep the Council informed of their respective assignments during the monthly Council meeting. The judicial committee oversees and addresses issues related to the

court and also updates and reviews relevant tribal codes. Members of the police commission conduct policy review for law enforcement and are generally the group contacted by tribal members who have law enforcement concerns or grievances.

#### **I.4.2) SWO Demographics**

The 1990 census placed the population of SWO tribe at 10,496; in the 2000 census, the tribal population was reported to be 12,063, with a median age increase from 20.2 to 24.5 (US Census, 1990; 2003). Despite the median age increase, SWO comprise a young population. For example, over 59 percent of the households reported one or more youth living at home under 18 years of age. A special tribal census conducted in 2003 by the tribe found that one-third of the population surveyed report being employed, most of them by the tribe, while others work for the federal programs operated by the Bureau of Indian Affairs (BIA) and/or the federal Indian Health Service (IHS). Many of those working for the tribe are employees in one of the three gaming enterprises operated by the tribe, two of which include a hotel (SWO, 2003). Other major employers cited by the survey participants include the tribe's plastic bag manufacturing plant and the Sisseton-Wahpeton Community College. The tribe also operates an irrigated farm and a hunting program for large and small game and for waterfowl (Cochran, 2002). Very few tribal members were self-employed.

While overall employment opportunities on the reservation appear to be improving, the number of families with incomes below the federal poverty level is not decreasing proportionally. Over 60 percent of the tribe lives in poverty, and approximately 40 percent are unemployed. Alcohol abuse, lack of jobs and job skills, and lack of education are cited as major barriers to employment (Peters, 2002).

#### **I.4.3) SWO Tribal Law Enforcement and Justice System**

Adequate law enforcement for the SWO community has and continues to be a major problem for a variety of reasons. The tribe has a contract with the BIA to manage and operate the tribe's law enforcement program, but the program is severely under-funded. As a result of these financial limitations, the tribal police department is vastly understaffed with only a seven member force. In addition, the tribal jail is structurally unsound and in need of renovation. This outdated facility is also inadequate for the demand. The jail has a carrying capacity of 22 and all of the 22 slots are used most months, but as noted in one BJA report, during a peak month in June 2002, the capacity was 32 (BJA, 2003). Because the tribal jail is unsafe and not adequately

staffed, it is able to handle juveniles, although significant numbers of youth are arrested for underage drinking and other related offenses. Not unlike many similar facilities on Indian reservations, much of the day-to-day business for law enforcement in the SWO community is alcohol or substance abuse related and involves both adults and juveniles.

Because of the lack of local resources, when a juvenile is arrested by tribal law enforcement, he or she may be transported to Cass County juvenile detention center in Fargo, North Dakota. If the juvenile is arrested for underage drinking, he or she will be placed on three-month probation (longer if other charges are involved). The probationer is usually required to obtain a drug and alcohol evaluation. If the probationer requires residential treatment, the cost may be over \$10,000, a price that poses difficulties for those without health insurance or Medicaid. The cost of treatment for those referred to the Chief Gall Aberdeen Area Youth Treatment Center is covered by IHS, but limited bed capacity and the distant location of this facility often makes this option inaccessible. Moreover, as the only IHS adolescent treatment facility in the region, there is often a long waiting list of youth who are referred from a number of tribes within South Dakota as well as from neighboring states.

If a tribal youth is arrested off reservation by state or county law enforcement, the juvenile is processed through state court. However, if the juvenile is also a tribal probationer, the state will usually give him/her back to the tribe. A juvenile's first under-aged drinking arrest requires that he or she participate in an alcohol education program. If the juvenile gets a status offense (underage possession or consumption of alcohol or drugs makes it an offense only for juveniles, not adults), the state will notify tribal probation. If the arrestee is an adult, he or she will likely complete his or her sentence off the reservation. If the adult also has a tribal criminal justice involvement, he or she will be sent to the tribe after sentence was served in the state.

#### **I.4.4) Checkerboard land and Law Enforcement**

In 1953, with the passage of Public Law 83-280, the federal jurisdiction over federal criminal offenses involving Indians on reservations was shifted to six states and left as a future option to a number of other states. The state of South Dakota remains as one of the option states that did not elect to assume Federal jurisdiction on Indian reservations. In all, approximately 23 percent of the reservations fall under this statute, a population that includes 70 percent of all federally recognized tribes and Alaska villages (NIJ, 2006). PL 280 therefore complicates criminal as well as other types of legal jurisdictions for these tribes who fall under state

jurisdiction. But because the state of South Dakota did not elect to take over jurisdiction on the reservation within its borders, SWO retains some jurisdiction but depending on the nature of the offense, who is involved, and where the event takes place forces SWO law enforcement and the courts to rely on other agencies and to have agreements or policies guiding what action to take.

Lake Traverse Reservation's checkerboard status also creates complex problems for law enforcement as well as for the enforcement of the Tribe's criminal laws. The jurisdiction issue has resulted in a number of legal actions with both positive and negative outcomes. For example, in the 1970's the United States Supreme Court declared that the SWO Tribe had lost its exclusive jurisdiction over certain lands that it sold to the United States in *DeCoteau v. District Court*, 420 U.S. 425 (1975). On those lands, which were fee lands, the State of South Dakota exercises some criminal jurisdiction. Recently, however, the court ruled in *Tribe v. Cloud* that the Oyate still retained criminal jurisdiction over its members on all highways that run throughout the reservation, and this ruling has given the tribal law enforcement the potential for a greater control over highway arrests and prosecutions, especially for drunk driving and drug-impaired offenses (Jones, 2006).

In retrospect, the *DeCoteau* decision added to the jurisdictional quagmire for law enforcement by the tribe. The tribe's chief judge notes that in the Supreme Court deliberation on the *DeCoteau* decision, the dissenting voice of Justice Douglas predicted some of these problems:

Without state interference, Indians violating the law within the reservation would be subject only to tribal jurisdiction, which puts the responsibility where the Federal Government can supervise it. Checkerboard jurisdiction cripples the United States in fulfilling its fiduciary responsibilities for guardianship and protection of Indians. It is the end of tribal authority, for it introduces such an element of uncertainty as to what agency has jurisdiction as to make modest tribal leaders abdicate and aggressive ones undertake the losing battle against superior state authority (Young and Jones, 2007:3).

According to SWO Tribal Judge Jones (2006), the *DeCoteau* decision in effect destroyed the Sisseton-Wahpeton Sioux Tribe's territorial sovereignty "by creating a problematic



conundrum in determining which government has jurisdiction over crimes that occur on various types of lands within the original exterior boundaries of the reservation.” While the Tribe still recognizes the original exterior boundaries of the 1867 Treaty, federal recognition extends only to the provisions of the 1891 Allotment Act. The *DeCoteau* decision restricted the Tribe from exercising its sovereign authority over criminal matters within many areas of the reservation, thus inhibiting the Tribe’s ability to prevent or stop the flow of drugs and alcohol onto the reservation (Jones, 2006; Young, 2007). The following case example by Young (2007) illustrates the real-life complexity of this jurisdictional issue:

Tribal police are pursuing a native woman for suspected DUI when she drives onto Interstate 29 and the pursuit is picked up by SD Highway Patrol. She then turns onto a BIA-maintained highway and the Highway Patrol asks tribal police to recommence their pursuit at that point because of jurisdictional concerns. The tribal police do so but when the driver is stopped, it occurs on the highway that is bordered by fee land and the tribal police and Highway Patrol had to examine a plat map to determine who has jurisdiction. The determination is made that the exact point of the stop may be state jurisdiction but the Tribal police are allowed to arrest the suspect and she promptly files a motion to dismiss the tribal court prosecution for an illegal stop by the Tribal Police. (p. 4)

This challenge to tribal sovereignty is one example of the jurisdictional conundrum that continues to haunt SWO court and law enforcement and is a motivating factor for having Memoranda of Agreement between the tribal and county law enforcement agencies.

#### **I.4.5) SWO Tribal Court**

The core of the SWO tribal justice system is the tribal court, which is also inadequately funded. According to Luna-Firebaugh (2007), 140 tribes nationally have their own court systems, and these courts handle on average over 70,000 cases a year. Seventy percent of the cases handled by tribal courts are criminal misdemeanors, and 30 percent are civil cases (Luna-Firebaugh 2007). In comparison to state and county judicial systems, Luna-Firebaugh reports that per capita spending on law enforcement in American Indian communities is about 60 percent of the national average, despite the fact that crime rates are significantly higher in Indian communities than in the general population.

The central philosophical framework utilized in the SWO tribal court, especially the Drug Court, is restorative justice, an alternative way of resolving conflicts and preventing crime instead of the usual court-based adversarial approach. Umbreit and Coates (2000) define restorative justice as both a process and an outcome and observe that how it is practiced is shaped by six principles: 1) the nature of the crime; 2) the goal of justice, 3) the role of victims; 4) the role of the offenders; 5) the role of local community; and 6) the role of the formal criminal/juvenile justice system.

The SWO tribal court established a 12 month adult drug court program (treatment court) in 1998 to provide an alternative to incarceration for individuals convicted of substance abuse related driving incidents and child neglect. Eligibility for participation in the 12 month program has been extended to tribal members incarcerated in prisons in Minnesota, North Dakota, and South Dakota. The BJA (2003) reported that of 51 individuals starting the program, 14 completed it, maintained employment and sobriety, and as a result did not have to complete their respective jail sentences. Unfortunately, some drug court participants noted that not all tribal members are given the option of the tribal drug court because some attorneys in neighboring off-reservation communities do not support it and do not inform the arrestees of the program.

In some cases, tribal law enforcement and court jurisdictions have been initiated by state or federal legislation. For example, collaboration between South Dakota law enforcement and the Sisseton-Wahpeton Sioux Tribe has already been legislated for criminal background checks. Ideally, this policy precedent should help foster other forms of collaboration between the state and the tribe, but it has not been utilized for that purpose.

Other forms of tribe-state collaboration have also been initiated by legislation and/or court settlements. For example, political pressure and threats of lawsuits recently forced the South Dakota Department of Corrections (DOC) to initiate agreements with South Dakota tribes to fund tribes to set up a re-entry program for juveniles. Under this agreement, the SWO tribal court established the “Youth Enhancement Program” to monitor and provide an on-going rehabilitation program for tribal youth on probation for AOD offenses after completing their time in one of the state correctional institutions. Until the funding ended recently, 19 DOC juvenile probationers participated in the Youth Enhancement Program from June 1, 2005, through June 30, 2007 (BJ Jones email communications, 3 July 2007).

This two-year state funding for the Youth Enhancement Program contract was the result of a federal Civil Rights class action suit filed against the state of South Dakota. The action against the state was initiated after a youth in 1999 died of heat exhaustion at the South Dakota State Training Program, a DOC facility. A coalition of parents requested an investigation that was led by the Youth Law Center, which found a number of violations, including incidents of the staff handcuffing youth to their beds, subjecting youth to unlimited days of confinement, lack of mental health services, and also lack of spiritual resources for Indian youth who comprised a disproportionate percentage in the facility (*U.S.: South Dakota Agrees to Respect Rights of Detained Youth*, nd.). The negative publicity forced the state to pass legislation calling for closer monitoring of all state juvenile facilities and also to make funds available to tribes to provide re-entry services. And as noted, SWO's Youth Enhancement program was one of these re-entry programs.

Statistics indicate that there is an increasing number of Indian youth being sentenced for alcohol and drug related crimes to the state DOC or the federal Bureau of Prisons (BOP). For example, law enforcement data report that the number of Indian youth admitted to the BOP has increased 50 percent since 1994 and that 70 percent of the approximately 270 youth in BOP custody on any given day are American Indians (Office of Juvenile Justice, 2000). These statistics are alarming because American Indians represent only one percent of the U.S. population but account for 2-3 percent of the youth arrested for offenses such as larceny-theft, liquor law violations, etc. (Andrews, 2000). The statistics for South Dakota are especially alarming as Indian youth represent approximately 13 percent of the population but account for 45 percent of the youth incarcerated ([http://www.buildingblockforyouth.org/issues/native youth](http://www.buildingblockforyouth.org/issues/native%20youth) (accessed 7 July 2007)).

#### **I.4.6) SWO Substance Abuse Treatment**

The Dakotah Pride is the tribe's substance abuse treatment program. Established in July 1969 under the Centers for Disease Control Prevention, oversight of the program was transferred to the National Institute on Alcohol Abuse and Alcoholism (NIAAA), in 1971 and then to the Indian Health Service (IHS) in 1997. Dakotah Pride is now partly funded by IHS and the tribe (1:2). The facility obtained accreditation through the State of South Dakota during the later stages of the IASAP, and is currently working toward CARF certification for its programs. Counselors are either state certified or presently going through certification. The facility provides

residential and outpatient services for adult clients, most are admitted by court order, especially those involved in the drug court, and there is also limited outpatient services to court referred youth.

The Dakota Pride program also provides pretreatment evaluations and offers a treatment program that utilizes both western and traditional approaches, including a modified AA approach that incorporates the Red Road curriculum, the Medicine Wheel, sweat lodges, talking circles, and participation in the Sun Dance ceremonies (Lewis et al., 2005). The tribe also operates a domestic violence and sexual assault center for women (“Women’s Circle”) that provides temporary shelter and assists clients in accessing appropriate services.

Since Dakota Pride (SWO treatment program) now has certified staff, the tribal court utilizes this agency to conduct the assessment. The tribal court has also entered into formal agreements with the Human Services Agency and the Boys and Girls Club so that the youth can be assessed quickly for chemical dependency. If the assessment is incomplete or indecisive, the juvenile may be sent to Our Home (a private treatment facility in Huron, SD) for a 10-day evaluation program. At the end of the program, Our Home will give a recommendation regarding the level of service that the juvenile needs.

If the juvenile has to be placed on a waiting list, the tribal probation officer will subject him/her to a random urinalysis and involve him/her in other activities such as alcohol prevention education, the Youth Enhancement Program, or Dakota Pride (as an outpatient).

Treatment and intervention services for juveniles are problematic. As noted, the tribe uses one main IHS facility, Chief Gall Aberdeen Area Youth Residential Treatment Center, which serves a number of other tribes. Access is also limited because Chief Gall limits the number of participants from a specific tribe at any one time. Other residential treatment facilities for juveniles that the tribe utilizes are non-Indian and tend not to be culturally sensitive. Second, communication between the tribal court and Dakota Pride is hampered because of the different policies of the funding streams (e.g., HIPAA policies). This is a motivating factor for Dakota Pride to collaborate closely with the tribal court through the IASAP proposal on behalf of the juveniles to establish a collaborative working relationship similar to the tribally funded treatment court (drug court). Because of its longstanding presence, Dakota Pride is well known in the community as well as by service providers off reservation. It should be noted that during the

community interviews, a significant percentage of those interviewed mentioned Dakota Pride when asked to name local resources that provide services or treatment for alcohol or drug abuse.

Dakota Pride counselors work with teachers and school counselors to increase their awareness of symptoms that indicate if a youth is using drugs, or “huffing.” And the tribal court probation officers also work with schools to monitor youth who are on probation. The SWO Dakota Pride Treatment Program is a well known program in the community.

#### **I.4.7) S.W.O Health Services**

The IHS provides most of the health care services for the SWO members. Until the end of 2007, the IHS service delivery system included a small hospital, but that service ended when it opened its new comprehensive health care center near the town of Sisseton. Most accidents or trauma cases that happen nearby or on the reservation are seen at this health facility. When patients need acute trauma care, surgery, or other services not provided by IHS, the patients are referred to resources in places like Fargo.

In addition to medical and public health services, the IHS also has a small behavioral health staff that work with clients needing mental health services. Some of the pre-admission evaluations required by adolescent treatment centers are referred to IHS. The behavioral health staff also continues outpatient care for adults and youth who are referred for behavioral disorders associated with drug or other substance abuse.

The tribe also has a health department that is primarily concerned with public health. It has a staff of trained community health representatives who have responsibility to provide follow-up services for tribal members living in all of the seven districts. The tribal health program has a number of initiatives targeting key health problems such as diabetes, HIV, STDs, etc. The IHS injury prevention program collaborates with community organizations such as MADD and tribal law enforcement in campaigns to encourage use of seat belts and the use of car seats for infants and young children.

#### **I.4.8) S.W.O Services for Youth**

Programs for juveniles on the Lake Traverse Reservation are numerous, but transient. Sustainable resources as well as consistent care or treatment for youth is a chronic problem. For example, funding ended in 2007 for two critical youth rehabilitation programs, Youth Build and the Youth Enhancement Program. The mainstay in this community is the Dakota Pride Center. However, treatment is not on demand, and the 10-week outpatient program for juveniles begins

only when a cohort of 10 juveniles is signed up. The dependence on transient funding for programs impacts continuity of care and results in a patchwork of services that inevitably leads to a duplication of effort as well as gaps in services.

Besides working with these agencies and the IHS Injury Prevention Program, the SWO law enforcement officers report that they spend time at community events and/or meetings with key community organizations such as the DARE program and participate in community events such as the Farmer's Home Show in the town of Sisseton.

Through its daily work and on-going committee meetings, the tribal court works with other programs that provide services to youth and young adults. The following is a list of some of these programs in existence during the IASAP program (but not necessarily utilized in any consistent way):

**Youth Build (ended 2007):** This was a job corps program with chemical dependency counselors and a curriculum with academic courses as well as therapy that includes traditional and cultural activities such as Talking Circles. This program was also used as aftercare for those who had received treatment services. Federal funding for this program was not renewed because not enough graduates were placed in gainful employment, an outcome that the tribe found difficult to meet because there are so few jobs available on the reservation.

**Youth Enhancement Program (ended 2007):** This was a special re-entry program funded by the state of South Dakota. This state initiative was implemented in response to an Office of Civil Rights investigation that found the state neglectful in providing services to juveniles in correctional institutions and in planning for re-entry or after care.

**Boys and Girls Club:** Through an MOU with the SWO Tribal Court, the Boys and Girls Club helps conduct family assessments and develop individualized plans to deliver training services, including appropriate tutoring, career exploration, and employment readiness, to youth on probation and their families.

**Human Service Agency:** Through an MOU with the SWO Tribal Court, the tribal Human Service Agency helps conduct a chemical dependency assessment of each youth and helps

ensure that the youth receive needed chemical dependency or other counseling services in-house or elsewhere.

**Tiospa Zina Tribal School, Enemy Swim Tribal School, and Sisseton Public School:** The School personnel work closely with the probation officers to ensure appropriate monitoring and supervision of the juvenile probationers. The schools also work with Dakotah Pride and IHS mental health counselors by allowing these service providers to come onto the school grounds to continue providing therapy or follow up care to the youth. Schools also participate in the DARE program.

**Local alternative learning centers (ALC):** This is a program developed for youth who may not be able to conform to the format or time structure of a typical school. Those eligible for this program include pregnant girls or young mothers. This alternative is provided by tribal programs in cooperation with the tribal school in Old Agency.

**Little Voices:** This is a group home that provides individual and family centered therapy, psychiatric treatment, and parent counseling services. Little Voices is not specifically used as a substance abuse treatment program for the Tribal Court, but it is used if probationers require psychiatric services and if they are at risk for abuse and neglect.

**Employment Training Demonstration Project (ET):** This is an employment training program that serves as an alternative to the Youth Build program.

**Teen Center:** This 3-year old drop-in Center is tribally owned and housed in an old vacant store located on the main street in Sisseton. The facility is available to tribal youth over age 10. The facility functions primarily as a drop-in center but attempts to recruit volunteers to provide tutoring. The activities available include a game room and computer games. Various events are planned, including field trips or participation in community programs. For example, the Center recently organized the “Meth Walk” to call attention to the community’s opposition to the growing use of methamphetamine.

While the extent of methamphetamine use among the SWO population is not known, NIJ's Methamphetamine Interagency Task Force noted that methamphetamine use in rural areas is a growing problem, but these communities lack the infrastructure and do not have adequate or appropriate treatment resources to respond to those who are abusing methamphetamine (Federal Advisory Committee 2000).

**Non tribal agencies:** SWO Law Enforcement works collaboratively with the state highway patrol and city police as well as IHS mental health service providers and the IHS funded Injury Prevention Specialist to decrease DUIs and increase community awareness about the dangers of drinking and driving.

## II) SCOPE AND METHODOLOGY

A participatory evaluation model was used to evaluate the SWO- IASAP project. According to Patton (1983), participatory evaluation ideally is a process controlled by the community and is something they undertake as a formal reflective process for their own development. The participatory evaluation model used here had to be modified because it was not the community but rather the funding agency that asked for the use of the participatory evaluation model, and the "community" is the IASAP stakeholders (tribal court and law enforcement agency) rather than the SWO community.

The primary aims of the evaluation were to determine whether *(1) if the SWO demonstration project funded by the IASAP was completely implemented, (2) if the interventions implemented were effective, and (3) if the project has applications for other tribal communities confronting problems of alcohol and substance abuse.* To accomplish these aims, the evaluators proposed four goals for conducting this participatory evaluation: 1) to establish an Evaluation Oversight Committee (EOC) that consists of tribal members and University of Arizona evaluators; 2) to describe the project to be evaluated (logic model); 3) to describe the results of the IASAP project to be evaluated; and 4) to provide technical assistance to the IASAP program (if needed) to improve data management and project sustainability.

Numerous meetings and informal interviews were conducted to learn about the overall comprehensive tribal efforts to address alcohol and substance abuse problems, as well as to identify, document, and explain formal and informal interactions that each program has with the



relevant health and law enforcement agencies (courts, jail, and probation). To compensate for the absence of data and evaluation activity in the IASAP, primary (direct) and secondary data were needed to more fully describe the findings from the community surveys, focus groups, informal interviews, and secondary data analysis. Some information was also drawn from a case study report prepared by a law student (J. Young) supervised by the EOC chair. The original expectation was to include the case study (of the legal history of the Lake Traverse reservation) as a supplement to this report but the report was used because it was incomplete.

Data gathering at each stage did not commence until the University of Arizona's Institution Review Board for Protection of Human Subjects (UA IRB) approved the relevant protocols, documentation, and questionnaire and focus group instruments.

The evaluation team made eight site visits to SWO to collect data and to meet different groups of individuals (See Appendix B). Although each site visit had a specific focus, data gathering and meetings with relevant individuals were always included in the activities. The initial meeting planned with the SWO IASAD members was aborted because of a severe winter storm that closed the roads as well as all of the agencies on the reservation. On the second visit, a planned presentation to the SWO Tribal Council was aborted because the Council was in a prolonged executive session. The purpose of the third visit was to recruit survey interviewers and obtain information to determine best sampling strategy for the survey. The purpose of the fourth visit was to train and monitor survey interviewers while the fifth, sixth and seventh site visits were for conducting focus groups. Focus group visits were hampered by low turnout, poor weather, closure of the focus group venue, death of an important individual, and tribal election issues. On the sixth site visit, the difficulty of obtaining information on the youth necessitated a visit to the Chief Gall Adolescent Treatment Center located in Mobridge, SD. The last visit on August 23<sup>rd</sup>, 2007, was a presentation to the Tribal Council. To disseminate the findings of the evaluation project to the community, the evaluation team submitted a brief summary of the study for publication in the tribal newspaper: *Sota Iya Ye Yapi* with the knowledge of the EOC Team. The article was published in the 5 September 2007 issue.

## **II.1) Preparatory Steps**

The first site visit was planned for the evaluation team to meet with the staff of the IASAP, visit different programs that provide services to the juvenile probationers, identify members of the Evaluation Oversight Committee (EOC), establish a timeline, collect information

to ensure that the IASAD logic model is accurate, and to plan the evaluation activities including hiring interviewers and finalizing questions. Unfortunately, as noted above, these activities were not implemented because the evaluators arrived in the midst of an ice storm, and the entire reservation was closed. For that trip, a half day meeting took place with Judge Jones in which an abbreviated presentation was made for the establishment of an EOC. Elements of the logic model and proposed methods for data collection were also discussed (survey; focus groups).

From the meeting, and due to time constraints, several suggestions and requests were made by the judge. They were as follows:

- 1) The evaluation be set within the context of historical trauma.
- 2) The current IASAD taskforce members should serve as the EOC with others that the judge would help identify. This team was reported to include individuals from law enforcement, probation, treatment programs, and relevant community programs.
- 3) Focus groups should include former clients of the drug court and church leaders.

In lieu of meeting the EOC, all documents that were prepared for review by the EOC were given to Judge Jones for distribution so that the EOC members could provide their comments and suggestions. These included a description of the study, concept of participatory evaluation, the purpose of the evaluation, the logic model, human subjects consent forms, focus group and survey questions, and a broad description of the expected milestones of the project. Subsequent to the meeting, comments from the IASAD taskforce members resulted in some survey items being changed.

## **II.2) The Community Survey**

A community survey was planned to obtain tribal members' perceptions related to the welfare of the community and their perceived levels of satisfaction with how challenges and problems were being addressed. The survey contained several themes: to assess problems within the community and the respondent's perception of the severity of those problems, to determine the impact of the increased law enforcement presence in the community, and to determine the community environment regarding issues such as alcohol or drug abuse. The survey questionnaire contained items from the "Police Response," "Community Involvement," and

“Perceptions of City Services and Other Programs” sections of the *Weed and Seed* questionnaire developed by the NIJ (Dunworth and Mills, 1999). Other items included questions on demographic characteristics and some questions specific to SWO. A copy of the survey instrument is included in a separate file with this report.

A convenience sample of 100 individuals was used. The original plan was to target a proportional sample of individuals enrolled in the different districts. However, it became clear that a sizable number of residents do not live in their geopolitical districts because of employment, housing needs, and/or access to schools or the community college. Although the EOC suggested targeting individuals living in tribal housing, this was rejected once it became clear that most SWO members do not reside there. For these reasons, public places, mainly in Agency Village (the district where tribal services are mainly located), were selected because many SWO residents from throughout the community make frequent trips to Agency Village for services or for business. Some of these public places included the SWO College, the tribal offices and surrounding areas in Agency Village, and grocery stores where community members frequent. The interaction (consent, survey, gift card) took an average of 30-40 minutes to complete.

Data collection from the survey ended in April 2007, although the majority of data were collected between August and December 2006. Survey data were entered into Microsoft ACCESS, coded and cleaned, and analyzed using SPSS.

### **II.2.1) Recruiting and Training SWO Interviewers**

Three individuals from the SWO Community College were hired as survey interviewers. Each was required to obtain human subjects training and to be certified prior to conducting any recruitment or interview. In addition to this training, which was self paced and online, the interviewers were trained over several days; once to go through the protocol and the meaning of the survey questions, and several times to monitor their recruiting and interviewing behavior. Interviewers were trained to recruit individuals in a random pattern and informed that only adult Native Americans who were not related to the interviewers were eligible. After it was noted that they were recruiting employees of the tribe and the SWO Community College during working hours, the evaluation team disallowed this practice, and the interviewers were reminded of the need for a representative sample of the SWO tribal members.

The interviewers used an IRB-approved form that explained the purpose of the interview, the respondents' rights as human subjects, compensation (a gift card) for their time, and the confidential nature of the survey. They were informed that the survey was to learn about community awareness of the IASAP project and to determine their perception of how effectively the tribal programs had addressed alcohol and drug problems. Interviewers were instructed not to begin the interview until all questions that the participants may have answered. All interviews were conducted in English, the main language spoken by the vast majority of tribal members.

### **II.3) The Focus Groups**

Focus groups and interviews with key stake holders were used for gathering qualitative data to better understand the challenges and progress made as a result of the IASAP funding. The results would provide information that could help identify, describe, and evaluate program components and strategies that incorporate tribal, cultural, and community values into strategies that address alcohol and substance abuse problems. Through discussions and the information gathered, the seven focus groups (past program participants (adults); past program participants (youth) and/or their family members, service providers and key project staff; providers of traditional healing and traditional intervention services; policy makers, e.g., tribal office holders; past drug court participants; and interfaith leaders) were changed to five groups: past adult clients, parents of juvenile probationers, service providers and key project staff, elders, and policymakers.

A focus group with past youth participants was not conducted because their records are sealed once they become an adult and they complete their probationary term. For that reason, only parents of current youth probationers participated in the focus group. To compensate for this missing information, the evaluation team conducted a site visit to the Chief Gall Treatment Center (an IHS adolescent treatment center in northwest South Dakota), a facility used by the SWO and other tribes. The purpose of the visit was to learn more about the clients served, types of services offered, follow-up, and the facility's integration of culture into the treatment program. The interfaith focus group was cancelled following discussion with the EOC, which noted that the church groups do not work with the tribal court. Similarly, traditional indigenous healers have little involvement with the treatment programs or the court. Instead, elders who provide

cultural services to the local treatment programs were considered more appropriate for a focus group.

Questions were developed based on the type of focus group. For example, questions for past drug court participants and parents of the juvenile probationers were about their experiences with the IASAP, whereas questions for policy makers, service providers and program staff were about the impact and sustainability of the IASAP. Questions for elders were concerned with issues related to culture and traditional practices and about the barriers that exist to providing cultural and/or traditional practices.

All participants went through the required informed consent procedures prior to starting the focus groups. Focus group proceedings were audio taped and transcribed to ensure that information obtained was accurately documented. Data from the focus groups were used in the following manner: 1) quotes by participants were used if they expanded on some of the comments made by those who had participated in the community survey or by providers who captured the general feeling of the group; 2) issues or problems not covered in the survey were identified; 3) emerging themes regarding changes in how the community handles substance abuse problems were noted; and (4) some of the key barriers for parents, clients, and service providers were clarified. The specific focus groups conducted with the 21 individuals are summarized in exhibit 2:

**Exhibit 2: Focus Group Participants by Group and Age.**

<b>Groups</b>	<b>M</b>	<b>F</b>	<b>Total</b>
Service providers	2	2	4
Parents	1	3	4
Adult (Drug Court)	2	4	6
Policymakers	1	1	2
Elders	2	2	5

#### **II.4) Identification of Potential Secondary Data Sources**

On each site visit and when meeting with new departments or a different branch of the SWO government, the evaluation team made every effort to identify relevant reports, studies, and other available materials relevant to the SWO-IASAP. One of those key entities was the tribal archives, a department that housed many unpublished documents, including annual reports made by various departments to the Tribal Council and the community.

Outcomes for the SWO-IASAP project were not operationalized, requiring the evaluation team to rely heavily on secondary data sources in preference to anecdotal examples furnished by the EOC. As a result, the evaluation team had to determine the relevant databases and whether the agency would be willing to share their information.

Some of these sources included background material from Fox Valley Technical College, which has the contract with BJA to provide technical assistance to grantees of the IASAP. Another was a study conducted by a contractor of the tribe to determine the feasibility of building a community justice and rehabilitation center. That contractor was provided with raw data and information that was not made available to the IASAP evaluation. As noted, other background information was obtained through interviews with individuals who were involved in the provision of human services for the SWO community, such as *Youth Build*, *Child Protective Services*, *Tribal Housing*, *Little Voices*, and the Indian Health Service.

#### **II.5) Assessment of capabilities of existing management information systems so that technical assistance can be provided to enhance sustainability of IASAP data sharing activities.**

To fulfill the goal of providing technical assistance to enhance the ability of the IASAP to improve data management and project sustainability (if needed), the evaluation team conducted meetings with tribal court and law enforcement staff. Specifically, the expectation of the team was to determine the type of databases and manner in which the data were shared between the two groups. This was not accomplished because SWO data systems are primarily non-electronic, and information was not always recorded. Although there is an electronic database available to the juvenile probation officers, only one of them was willing to use the computer although this person lacked the knowledge to query the database proficiently. Frequent changes in personnel in law enforcement and the tribal court also added to the problem of establishing an electronic data system and day-to-day data management. The tribal justice program has installed a data linkage system, but it was never fully implemented due to lack of funds. Law enforcement data are not electronic and therefore cannot be integrated into the court's data system. Warrants, for example, only exist as paper copies. The law enforcement's statistical data are summarized from daily logs (telephone contact into the department), and each day's entries are broken down into categories (complaints, arrests, etc). What is recorded is primarily data required by the funding agency—the

BIA. It was not clear if the law enforcement maintained an electronic database or that it compiled aggregated data in their reporting. The aggregated data, although requested, was not made available to the evaluators.

### **III) DETAILED FINDINGS**

The following section describes the results from the secondary data, the community survey, the focus groups, and the interviews.

#### **III.1) Secondary Data Sources**

Data from various sources were collected to determine the impact of alcohol and drugs on the community. Exhibit 3 shows the number of adult and juvenile arrests between 2001 and 2005. Adult arrests fluctuated during that period, with the fewest number of arrests in 2004. For the juveniles, total arrests showed an upward trend until 2003, and then a decrease in total numbers for 2004 and 2005. The proportion of arrests that are alcohol and other drug (AOD) related also showed a similar trend, with the highest peak in 2003. In contrast, the percentage of traffic violations for juveniles due to DUI's was lowest in 2003.

According to EKM&P data (2006) not shown here, arrest rates between the years 2000 and 2005 varied from 213/1000 to 311/1000 for adults, and from 117/1000 to 145/1000 for SWO youth. Women were less likely to have a drug and alcohol charge at the time of their booking. On average, the blood alcohol of adults who were booked was 0.16, with the highest blood alcohol found to be 0.43 (EKM&P, 2006).

Two-thirds of adults who were stopped resulted in being arrested whereas approximately 80% of juveniles who were stopped were arrested. While a majority of non-traffic arrests for both adults and juveniles were AOD-related, this was substantially more so for the adults (approximately 90%), compared to the juvenile cases (about 2 arrests out of three). Driving under intoxication (DUI) charges make up between one in four to one in three traffic violations for both adults and juveniles. Not all traffic related stops resulted in charges although the proportion that do was much higher for the juveniles.

**Exhibit 3: Adult and Juvenile Arrests by Fiscal Year, 2001 – 2005.**

<b>Adults</b>	<b>Stops/ Reported offenses</b>	<b>Total Arrests</b>	<b>AOD</b>	<b>% AOD</b>	<b>Stops/ Reported offenses</b>	<b>Traffic Violations</b>	<b>DUI</b>	<b>%DUI</b>
<b>FY2001</b>	1889	1142	1008	88%	1257	439	124	28%
<b>FY2002</b>	2203	1355	1322	98%	1519	476	134	28%
<b>FY 2003</b>	1978	1169	1121	96%	1577	440	113	26%
<b>FY 2004</b>	1690	967	950	98%	1661	400	124	31%
<b>FY 2005</b>	1769	1074	987	92%	1868	580	156	27%
<b>Juveniles</b>								
<b>FY2001</b>	418	363	223	61%	42	6	2	33%
<b>FY2002</b>	628	504	326	65%	59	24	7	29%
<b>FY 2003</b>	708	532	396	74%	84	42	8	19%
<b>FY 2004</b>	538	463	310	67%	86	47	10	21%
<b>FY 2005</b>	496	389	250	64%	95	38	10	26%

Source: Sisseton-Wahpeton Oyate Tribal Law Enforcement

Data for exhibits 4 and 5 were abstracted from the final report prepared by the contractor to the tribe (EKM&P, Inc.) regarding the development of the Community Justice and Rehabilitation Center (October 17, 2006). According to EKM&P, Inc., a total of 749 juveniles accounted for 1803 bookings, resulting in 3038 charges (between December 30, 1995 and May 22, 2004). Out of this, 29% had moved into the adult system by the end of 2004. This group made up approximately half of those who would have turned 18 by that time. At least 24% of the charges in the adult system and 19% of the adults held in jail in 2003 and 2004 were individuals who had previously been arrested as juveniles.

**Exhibit 4: Male and Female Juvenile Bookings, 1996 – 2004.**

	<b>Female</b>	<b>%</b>	<b>Male</b>	<b>%</b>	<b>Total</b>
<b>1996</b>	59	31%	130	69%	189
<b>1997</b>	114	43%	150	57%	264
<b>1998</b>	128	38%	210	62%	338
<b>1999</b>	64	41%	91	59%	155
<b>2000</b>	57	44%	74	56%	131
<b>2001</b>	64	43%	85	57%	149
<b>2002</b>	134	54%	114	46%	248
<b>2003</b>	132	53%	117	47%	249
<b>2004*</b>	114	58%	82	42%	196

Source: EKM&P, Inc., p.4.2 \*Covers data up to 5/17/04



The number of juveniles/year being booked did not show a trend over the years although it should be noted that the proportion of female bookings have increased from 31% in 1996 to 53% in 2003 (last year with full data). The data indicate that there were more repeat offenders among juveniles compared to the adults (Exhibit 5). However, because the time span for both groups is so disparate (1996 – 2004 for juveniles vs. 2003 – 2004 for adults), we caution that this data may not be fully comparable. As noted previously, however, a number of individuals who were arrested as juveniles return to the criminal justice system as adults, and according to EKM&P, 18-21 year old women are coming into the criminal justice system proportionately in greater numbers than other groups. The age range of juveniles booked ranged between 6 and 18 years, with an average and a median age of 15 (14.8 years for girls, and 15.17 years for boys).

**Exhibit 5: Bookings per person**

	<i>Between 12/1995 and 5/2004</i>		<i>Between 2003 and 2004</i>	
	<b>Juveniles</b>	<b>%</b>	<b>Adults</b>	<b>%</b>
<b>1</b>	422	56%	480	65%
<b>2</b>	117	16%	143	19%
<b>3</b>	65	9%	51	7%
<b>4</b>	50	7%	25	4%
<b>5</b>	27	4%	15	2%
<b>6</b>	21	3%	6	1%
<b>7</b>	10	1%	3	0%
<b>8</b>	11	1%	5	1%
<b>9</b>	8	1%	4	1%
<b>10 or more</b>	18	2%	5	1%
<b>Total</b>	749	100%	737	100%

Source: EKM&P, Inc., p.3.2 and 4.4

The number of adults being arrested for contributing to the delinquency of minors is relatively low (Exhibit 6).

**Exhibit 6: Number of SWO Adult Arrests for Contributing Charges by Fiscal Year, 2000 – 2006.**

<b>Year</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>
<b># Adults Contributing</b>	38	46	53	30	15	22	13*

Source: Sisseton-Wahpeton Oyate Tribal Law Enforcement. \*Covers data from Quarters 1 and 2 of 2006.

As shown in exhibit 7, the number of cases tried by the tribal court increased significantly over the three years (2004 – 2006) that data were provided to the evaluation team.

**Exhibit 7: Types of Cases tried by SWO Court in Fiscal Years, 2004 – 2006.**

	<i>FY 2004</i>	<i>FY 2005</i>	<i>FY 2006</i>
<b>Criminal complaints</b>	717	1076	1281
<b>Bench warrant proceedings</b>	366	576	584
<b>Juvenile delinquency</b>	412	382	348
<b>Domestic relations</b>	615	684	681
<b>Restraining orders</b>	88	69	99
<b>Civil matters</b>	169	183	165
<b>Housing cases</b>	120	65	57
<b>Treatment Court</b>	75	75	85
<b>Child Support cases</b>	500	500	500
<b>TOTAL</b>	3062	3610	3800

Source: Sisseton-Wahpeton Oyate Tribal Court

From the tribal court, data that were made available include cases that were tried between 2004 and 2006 (Exhibit 7). Cases for juvenile delinquency appeared to have dropped, and housing cases dropped considerably from 2004 to 2006.

The tribal court has on average maintained a caseload of 75 individuals. Exhibit 8 presents the statistics of the treatment court for young adults between the ages of 19 and 25 years, indicating that approximately one in three participants complete the drug court requirement without dropping out.

**Exhibit 8: Treatment Court Dispositions for individuals aged 19 – 25 years (1998 – 2006).**

	<i>Graduated</i>	<i>Dropout</i>		<i>Graduated</i>	<i>Dropout</i>	
<b>1998</b>		4	4	0%	100%	100%
<b>1999</b>	3	1	4	75%	25%	100%
<b>2000</b>	8	7	15	53%	47%	100%
<b>2001</b>	10	18	28	36%	64%	100%
<b>2002</b>	12	16	28	43%	57%	100%
<b>2003</b>	12	21	33	36%	64%	100%
<b>2004</b>	9	17	26	35%	65%	100%
<b>2005</b>	9	22	31	29%	71%	100%
<b>2006</b>	10	14	24	42%	58%	100%
	73	120	193	38%	62%	100%

Source: Sisseton-Wahpeton Oyate Tribal Court

### III.2) Survey results

Exhibit 9 shows the proportion of respondents who took part in the community survey. The first column shows the SWO districts in which the participants resided, and the second column indicates if they were enrolled members. Out of the 100 participants, 19 lived in Sisseton, and seven individuals were not enrolled members of the tribe although as Native Americans, they are under the jurisdiction of SWO tribal law enforcement. The last two columns of the exhibit were abstracted from the 2003 Tribal Census and are included to provide some idea of the percentage of the community participants from each of the respective districts. The exhibit shows that the districts of Buffalo Lake and Long Hollow may be under represented.

**Exhibit 9: Sample Size by District Residency and Tribal Enrollment Compared to 2003 Census.**

<b>District</b>	<i>N = 100</i>	<i>N = 100</i>	<i>2003 Tribal Census*</i>	
	<b>Residence</b>	<b>Enrolled</b>	<b>Members</b>	<b>%</b>
<b>Big Coulee</b>	11%	15%	258	9.3%
<b>Buffalo Lake</b>	10%	12%	159	5.7%
<b>Enemy Swim</b>	16%	14%	292	10.5%
<b>Long Hollow</b>	7%	16%	221	7.9%
<b>Lake Traverse</b>	6%	12%	229	8.2%
<b>Old Agency</b>	29%	14%	367	13.2%
<b>Heipa</b>	2%	8%	259	9.3%
<b>Sisseton (not tribal)</b>	19%			
<b>Enrolled, unaffiliated</b>			714	25.7%
<b>Missing</b>		2%		
<b>Not enrolled</b>		7%		
<b>Not applicable</b>			284	10.2%
<b>Total</b>	100%	100%	2783	100%

\*Source: SWO Tribal Census 2003

Demographic characteristics of the survey respondents, which are shown in Exhibit 10, indicate that the majority were females with children (under age 18) living at home, and most have resided on Lake Traverse Reservation for more than five years. The profile of the participants also reveals that many have had some interaction with law enforcement and the courts, mostly on the reservation.

Because many respondents reported that they have lived most of their lives on the Lake Traverse Reservation, many of the off-reservation law enforcement or off-reservation court experiences that the participants reported probably reflect encounters that took place near the

reservation in towns such as Fargo or Sioux City and/or in more urban places such as Minneapolis. For some, this event could mean a DUI citation in nearby towns such as Watertown or Sisseton.

**Exhibit 10: Profile of Community Sample (n-100).**

<b>Characteristics</b>	<b>N</b>	<b>Mean</b>	<b>sd</b>	<b>Range</b>
Males	36			
Females	67			
Years in the community	92	24.36	17.01	1 – 70 years
Employment status				
Employed (full and part time, self employed)	63			
Looking for work	7			
Not looking for work	15			
Student	10			
Retired/homemaker/disabled	5			
Years of education	99	11.60	1.37	7 – 13 years
GED	29			
HS Diploma	49			
Vocational Training	14			
Associates degree	16			
Bachelor’s Degree	11			
Graduate degree	4			
Has children of his/her own	83			
Has children under 18 years living with him/her	66			
Has experience with law enforcement	72			
- tribal law enforcement	66			
- off reservation law enforcement	32			
Has experience with the courts	64			
- tribal court	58			
- off reservation court	31			

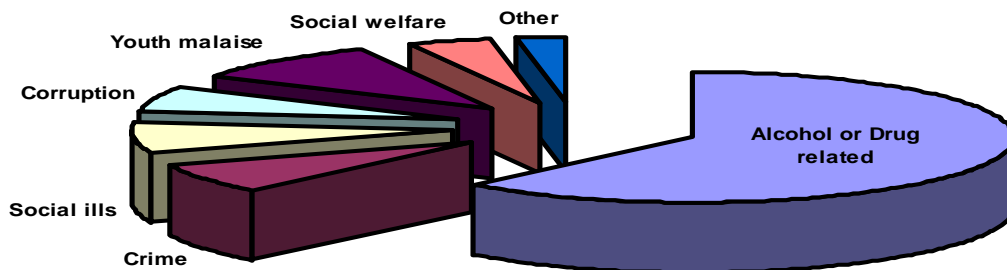
The typical profile of the participants shows that 63 percent were employed, 78 percent have completed high school or a GED, and almost half of the sample report advanced education beyond high school. Those who report themselves as students are attending the local tribal community college.

### **III.2.1) Respondents’ Perceptions of Major Problems Confronting the Community**

Three out of four respondents who were asked to state what they perceived to be the major problem in the SWO community listed alcohol, drugs, or both, and almost a fourth

reported more than one major problem. Exhibit 11 below shows the proportion of times each of the categories was mentioned out of the total of 121 problems mentioned by the respondents:

**Exhibit 11: Participants' view of major community problems by percentages (n=100).**



Items mentioned by respondents that were similar in content have been collapsed (Exhibit 11). Alcohol or drug (AOD) related items included comments such as driving under intoxication (DUI) and the involvement of adults or youth drinking or using drugs. Crimes mentioned included burglaries, break ins, and vandalism, while social ills included items such as gang activity, gambling, violence, child abuse, and teen pregnancy. The general category of corruption was mentioned in relation to various agencies or tribal entities such as law enforcement, tribal politics, and/or the tribal council. Items included under youth malaise included school dropout, lack of supervision, and the lack of community sponsored activities for youth. Finally, the category of social welfare included other general community issues such as lack of employment opportunities, the housing shortage, and the inadequate care of the elderly or other community health-related issues.

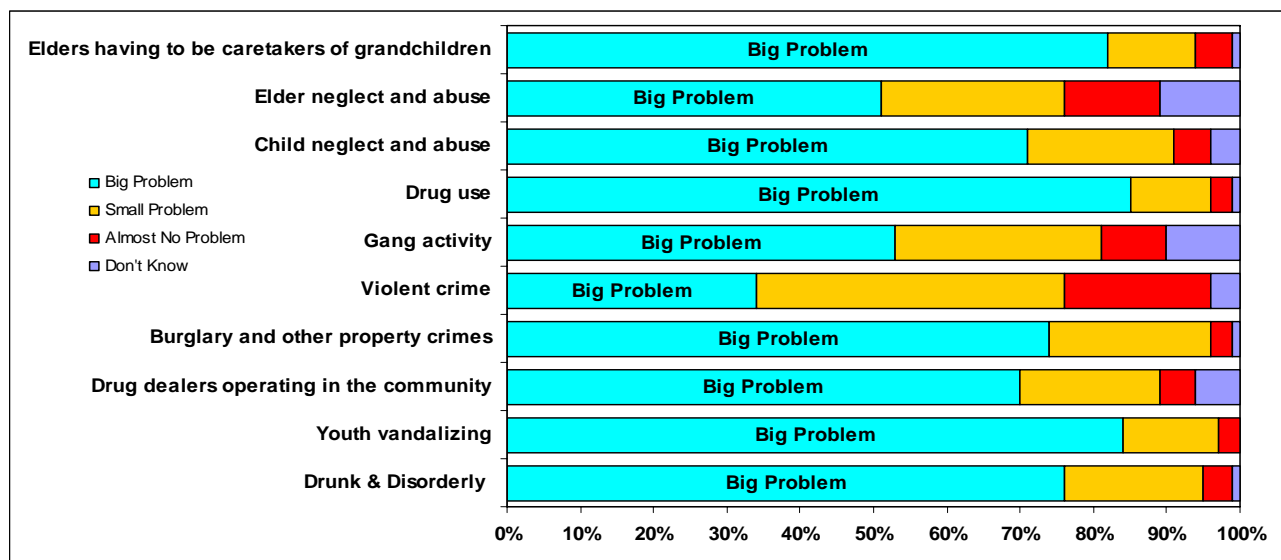
When queried about resources in the community to address alcohol or substance abuse, approximately two-thirds of the respondents (60 percent) named at least one program in the community, most notably Dakota Pride (26 percent ); others (33 percent) mentioned programs that were youth-focused (e.g., Youth Build, Boys and Girls Club, and Dream – Teen Center).

This finding indicates that about 50 percent of respondents knew about programs that addressed substance abuse problems in the Community.

### III.2.2) Respondents’ view on significance of community problems identified

Respondents were asked to prioritize problems that plague their communities in terms of “big,” “small,” or “not being a problem.” As Exhibit 12 shows, most problems mentioned were considered to be significant (big) problems by at least 70 percent of the respondents. The neglect or abuse of the elderly was also viewed as a significant problem, but the issue of violent crime was not seen to be as significant as other problems.

**Exhibit 12: Identification and Seriousness of the Community Problems**



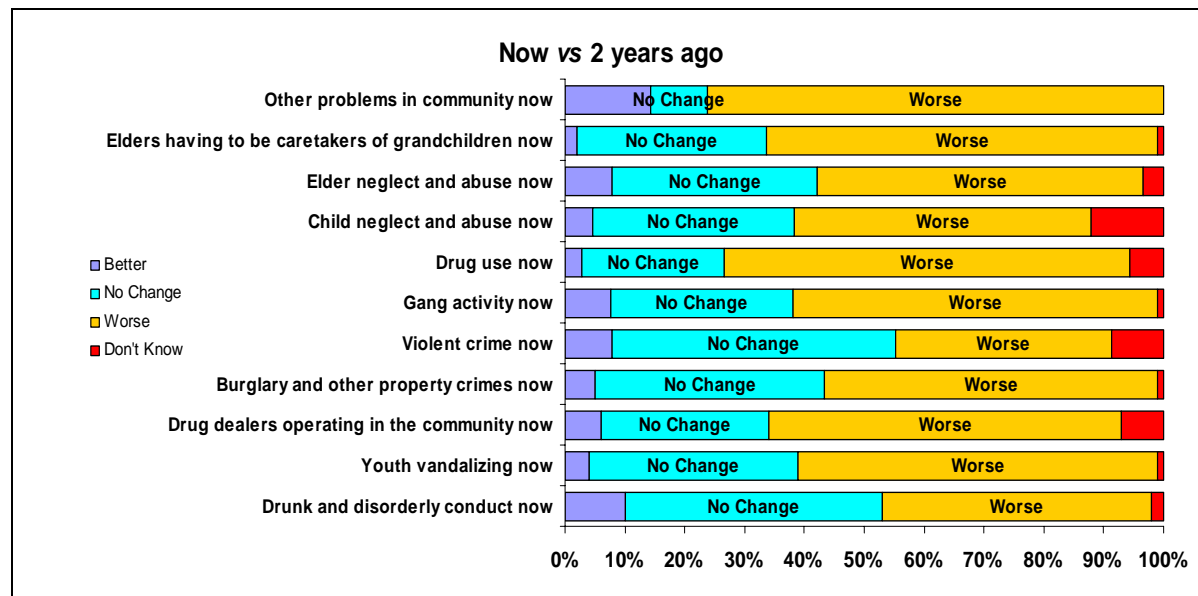
When asked to gauge where there had been any changes (for better or worse) with the problems identified, most respondents saw no change or perceived the problems to have deteriorated when asked to compare the current status with the status two years ago. As exhibit 9 indicates, the timeframe asked for these perceived changes was limited to the period of the IASAP project.

Specific youth-related problems and issues include drug use, gang activity, burglary, and vandalism. Parents, elders, and service providers also noted an increase in these problems for the youth. The concern about the neglect of elders is seen as an important problem, but the issue of increasing numbers of grandparents serving as caretakers of grandchildren was viewed as a

greater problem. Service providers indicate that this problem goes hand-in-hand with the problem of child abuse or neglect. The court often grants custody of such children to the grandparents in order to avoid placing the children in other types of foster care arrangements.

### III.2.3) Changes as viewed by the community

**Exhibit 13: Participants' Views on Changes in Community Problems between 2004 and 2006**



As exhibit 13 shows, respondents who had children under age 18 living at home were more likely to report either no change and/or that many of these problems had gotten worse. Those more likely to profess ignorance are those without children under age 18 living at home. In general, those with children viewed alcohol, drugs, gang activity, and crime as problems that are increasing. Available data and data collected in this participatory evaluation, however, seemed to indicate that, at least during the timeframe examined, there were some improvements, albeit these improvements are not widely publicized or recognized by the general population. In the focus groups, youth vandalism was mentioned as one noticeable problem that was on the increase, prompting some of the respondents to say that if there were more police patrolling the housing area, some of this vandalism could be prevented. Police, however, are understaffed and frequently forced by the hour to give priority to emergencies such as accidents or reported violence, etc.

While some respondents commented that they understand their tribal law enforcement is under funded and under staffed, others complain that they do not get quick service. A majority of the respondents (61 percent) reported having called law enforcement, most within the past three years (from 2004). The leading reason for the calls was AOD related (44 percent), followed by reports of crimes being perpetrated (24 percent). Others were to report domestic violence, public disturbances and/or disorderly conduct, etc. Of those who called, 40% said they were either somewhat or very satisfied with the law enforcement response. The rest were reported either as being somewhat dissatisfied or very dissatisfied. The degree of expressed satisfaction or dissatisfaction was not impacted by where the respondents lived, whether near or far away from the tribal police department.

As would be expected, if the police responded immediately, survey respondents were typically very satisfied with them. Among those who were somewhat or very dissatisfied with the tribal police's response (36 percent), approximately half reported that the police took too long to get to the crime scene, six out of 36 said that the police did not show up, and 12 indicated that the police response was inappropriate (in 5 of the cases, nothing was done; in six of the cases, either the perpetrators were released early or let off).

Despite disagreements among respondents, nearly 50 percent of them thought that the tribal law enforcement was somewhat responsive, but one in four individuals also indicated that it is less responsive now than two years ago. Specifically, compared to two years ago, the police took a longer time to arrive (n = 18), showed disinterest or did not care (n = 14), were selective in their response (n = 7), and were either not doing or were untrained in their job (n = 8). Ten had other comments that were not necessarily apropos to the question. Eleven were positive comments and seven of the survey participants felt that the police were doing what they can with the resources they have. One respondent noted: "There is not enough officers to respond to every call, so emergencies come first."

Exhibit 14 details comments (criteria used) to justify respondents' rating on the performance of tribal law enforcement regarding drug and alcohol related crimes. "Other" includes comments about the inability of the system (e.g., criminal justice, treatment system) to address the problem, what they believe the job of law enforcement is, etc.



**Exhibit 14: SWO Community’s perception of how well drugs and alcohol are addressed now and compared to two years ago, 2004-2006 and the criteria for the rating.**

	<i>Drugs</i>		<i>Alcohol</i>	
Very good		3		12
Good		8		17
Fair		17		29
Poor		23		30
Very poor		35		12
Don’t know		4		-
Criteria used to justify rating.	Now	Compared to 2 years ago*	Now	Compared to 2 years ago
<i>Positive criteria</i>				
Police is active	10	24	8	20
Doing the best they can				4
No problem	1			
<i>Negative criteria</i>				
A lot of alcohol or drugs in the community	30	42	4	20
Police is inactive/ unable	6	10	12	25
Police corrupt/willful	1	4		2
Youth problems			15	7
No change	11	2	15	1
Don’t know	3		2	
Other	1	3	3	5
No reason given	38	15	41	15
	100	100	100	100

\* Criteria used to justify the rating provided when asked to compare the current status with two years ago.

Survey respondents appear to have different opinions regarding how well tribal law enforcement was doing with alcohol related crimes as opposed to drug related crimes. While 58 percent felt that law enforcement was doing a fair or better job with alcohol related crimes compared to two years ago, only 38 percent said the same for their enforcement of drug crimes. Three out of four individuals surveyed were dissatisfied with how drug dealers were treated, perceiving that drug crime perpetrators either get fined and put on probation (31 percent) or are released without punishment (19 percent). Many felt that the criminals were getting off too lightly. Over half of the respondents (55 percent) indicated that their community has become less safe over the past two years. One third of these individuals (19) attributed this to youth drinking or drugging and/or adopting gang behaviors. A couple of respondents indicated that they did not

feel safe enough to walk in their neighborhood. Those who rent or reside in tribal housing projects would like to have visible law enforcement coverage or regular police patrolling.

Respondents were asked to rate their satisfaction regarding different types of services and opportunities that they may see in their community. As shown in Exhibit 15, highest satisfaction was given for community services, except for alcohol and drug treatment services, which received respondents' lowest rating:

**Exhibit 15: Respondents' Satisfaction with Selected SWO Community Resources (n=100).**

	<i>Very satisfied</i>	<i>Somewhat satisfied</i>	<i>Somewhat dissatisfied</i>	<i>Very dissatisfied</i>	<i>Missing or Don't know</i>
Community services	71%	25%	1%	1%	2%
Youth sports and activities	46%	31%	7%	5%	11%
Availability of alcohol and drug treatment	11%	34%	17%	29%	9%
Job opportunities	29%	30%	15%	18%	8%

To assess the level of involvement that the respondents have regarding the different types of events that were available in their community, they were asked if they had heard of any community meetings newly organized to deal with local problems. Only 29 percent responded affirmatively. While a majority said they have attended Pow-Wow gatherings where alcohol and drugs were not allowed, most neither attended nor had heard of a community meeting on eliminating drugs and alcohol (Exhibit 16):

**Exhibit 16: Respondents' Participation in Community Events or Meetings (n=100).**

<i>Attended in the past 2 years</i>	<i>%</i>
Pow wows where alcohol and drugs were not allowed	97%
A tribal health fair	52%
A traditional healing ceremony	54%
AA meetings	34%
MADD sponsored meetings	27%
Community meetings	12%
Tribal council meeting addressing drugs and alcohol	9%
Tribal meeting on eliminating drug or alcohol	12%

### **III.3) Focus group and interview results**

Due to the small numbers of individuals in the capacity that they represent, the focus group results and interviews will not be described by group or individuals. Instead, the themes (in alphabetical order) that emerged are categorized below.

- **Community Support**
  - Public support tends not to be sustained; people will rally when something negative occurs, but support wanes when nothing bad happens.
  - The community expects the law enforcement, treatment centers, and the court to be responsible for addressing the social problems caused by alcohol and drugs.
- **Culture**
  - Most programs run by state or nonprofit agencies do not integrate culture into their programs and do not understand its significance.
  - Having cultural practices in treatment does not help if youth do not come back and practice the cultural activities.
  - Culture is important but there are very few people who know it, and instructions about culture are inadequate.
  - Cultural barriers may start with the family if they are part of the generation where practicing cultural activities was frowned upon or punished or if the parents are religious Christians.
  - Once individuals start to learn about their culture, they want to learn more.
  - More youth are going into sweats and are more open to cultural activities.
- **Delinquency**
  - Youth are getting alcohol either because there are adults willing to purchase alcohol for them, or the adults are so drunk that they do not realize that the youth are taking alcohol away from them.
  - Others bring alcohol into their homes.
  - If youth get the alcohol or drugs themselves, they go into town away from the reservation.
- **Discrimination**

- There is a lot of unfairness and discrimination against Native Americans in the state.
- SWO members in state courts are not always informed about the tribal treatment court.
- **Resources**
  - It is difficult to get youth to participate in youth programs.
  - Supervision is inadequate in the youth centers - youth either engage in fights or manage to bring in alcohol or drugs into the center.
  - There is an inadequate number of counseling staff on the reservation.
- **Treatment**
  - Youth do not show up when they are supposed to. Reasons may include transportation problems, lack of family involvement, or family not holding the child accountable.
  - Parental cooperation tends to be highest when a crisis occurs.
  - Families are not always encouraged to get involved in adult treatment.
  - There are no family support groups for outpatient youth.
  - Treatment providers for youth do not appear to be consistent in their aftercare schedules, and the youth pay for that inconsistency by having to spend more time in probation.
  - Residential treatment changed the youth, making them more motivated, and interested in aftercare.
  - There is interest in having a residential treatment program on the reservation for youth as well as the halfway house.
- **Tribal Efforts**
  - More needs to be done to have a comprehensive program for the arrestees, such as a re-entry program
  - Law enforcement needs to show more of a presence in the community
  - Ways are needed to make parents more accountable when their children are going through probation.
  - The tribal agencies should be more family and culture-oriented.
  - A court-appointed advocate is needed for the SWO tribal members.

- **Law Enforcement**

- The juveniles do not report the actual person who was furnishing alcohol to them but instead are implicating innocent people.
- Law enforcement has been successful in enforcing the DUI laws.

#### **IV) ANALYSIS AND DISCUSSION**

From the information that was collected during this project period, it appears that despite challenges and barriers experienced by the IASAP, goals that were accomplished were accompanied by desired outcomes. Most of the objectives proposed in the SWO-IASAP were at least partially fulfilled although numerous barriers existed. These challenges, especially that of stretched resources, thwarted the ability of the project staff to fully accomplish their proposed goals. As noted in the introduction, sustainability and positive outcomes need sufficient resources to develop community capacity, influence policy and create the necessary infrastructure to sustain prevention and intervention programs (Jumper-Thurman et al., 2004; Noe et al., 2004).

In this section, IASAP outcomes and findings by the evaluation team through interviews and observations are presented and discussed in the context of the goals stated in the original SWO-IASAP proposal.

##### **IV.1) IASAP Goal # 1: To Develop a Project Advisory Team.**

In the application, the SWO applicants proposed forming an advisory team to oversee the project. The Advisory Team comprised individuals from law enforcement (Chief of Police), tribal court (the judge, probation officers, court counselor), treatment provider (Dakotah Pride; re-entry program – Youth Enhancement), school officials, and elected officials. The team met monthly and was chaired by Judge Jones, the chief judge. Unfortunately, no minutes were kept. The original purpose of the Advisory Team was to oversee the effective delivery of services. Meetings however appear to be more similar to case staffing as the need to confer and share information on the progress or lack of progress being made by probationers became apparent. Those who attended meetings were primarily court staff in their varied job responsibilities (probation, counseling, judicial) as well as the treatment representatives (Dakotah Pride, Youth Enhancement Program).

Despite the change in focus, meetings led to better understanding of the challenges that probation officers and counselors face. Such information may have led to more stringent requirements with first offenders, requiring them to be placed on probation for 3 months rather than just attending education sessions, as well as actions taken by individual team members to improve the effectiveness of probationer monitoring.

#### **IV.2) IASAP Goal # 2: Identify, apprehend, and prosecute those who illegally transport, distribute, and use alcohol and controlled substances.**

To address this goal, the SWO- IASAP proposed hiring a law enforcement officer to oversee the investigation of AOD offenses on the Lake Traverse Reservation. The addition of the IASAP officer provided an additional resource to the law enforcement agency as the agency staffing had only been operating at 67 percent capacity. The first officer hired, however, left the position within a year. Unlike the first law enforcement officer, the replacement officer was not certified, limiting his law enforcement authority and autonomy; he had to be accompanied by a certified officer when patrolling reservation lands. His responsibilities also changed, partly as a result of the chronic understaffing. Thus, the actions and impact of this particular individual were not directly relevant to the specific goal of the IASAP to apprehend traffickers, and this is reflected in the tribal arrest statistics on possession charges against adults (including possession/distribution), which remain low between 2003 and 2005. These arrests were expected to increase substantially as a result of the additional law enforcement staff.

Nevertheless, the additional IASAP staff (one each in the tribal court and law enforcement agency) promoted better collaboration between the two agencies, resulting in a better understanding of who or what resources are used by the youth to obtain alcohol or other substances. In the tribe's original grant proposal, it was thought that those furnishing drugs or alcohol to minors were predominately non-Indians. As law enforcement worked with probation officers and counselors to get the probationers to disclose the names of adults who were furnishing or providing alcohol and drugs, it became clear that these individuals were tribal members, usually relatives. This information was reiterated in the focus groups conducted with non-agency participants, who also described these same sources from whom youth obtained

illicit substances. That family members may be as source of the drugs may be a reason why arrests on contributing charges did not increase as originally expected.

### **IV.3) IASAP Goal # 3: Prevent and reduce the number of alcohol and substance abuse-related crimes, fatalities, and injuries.**

The impact of prevention and intervention activities were assessed using several approaches. In addition to listing activities that had been implemented, the evaluation team examined social indicators from secondary data sources and gauged community awareness in order to assess the impact of the prevention activities.

While these activities may not be directly under the auspices of the IASAP, having an additional law enforcement individual made community-based activities more possible. Collaborative efforts were made with (1) the local Mothers Against Drunk Drivers (MADD) chapter to raise community awareness about the dangers of drinking and driving, and (2) the Injury Prevention program from IHS to highlight the importance of safety belts. These activities included community awareness programs such as check points, educational outreach at local events, and public service announcements for the local radio station.

The SWO law enforcement presence has made some inroads but needs to more fully penetrate the community. Results from the survey suggest that the community does not work with law enforcement in activities that actively address AOD issues, even though the majority considers AOD issues the greatest problem in the community. A substantial impact on the community will require more sustained efforts. Nevertheless, improved community awareness was reported and the Injury Prevention Program credited its success partly to the collaborative efforts with law enforcement. Seat belt usage by staff and students at the Tiospa Zina Tribal High School increased from 36 percent to 60 percent between October 2004 and May 2005 (Traffic Safety News, 2003).

The tribal law enforcement also instituted other initiatives to decrease underage drinking and use of drugs. As part of the tribe's effort to identify drug traffickers, SWO law enforcement now has a drug task force that targets the entire reservation. Drug sniffing canines are used as part of drug interdiction activities. This activity in particular appears to have caught the attention and approval of the community, and a number of the respondents commented in the survey that they welcomed the use of the canine program to help fight drugs. One policy maker also thought

this new program was especially helpful in increasing community outreach, especially when the canine program is a part of the anti-drug program given in the schools.

One of the goals of the project was to decrease AOD related traffic mortality. Only one AOD related motor vehicle fatality was reported on the reservation between 2003 and 2005, the active years of the IASAP grant. This was of a tribal elder killed by a non-Indian drunk driver. Since the spike in AOD motor fatalities that culminated in the IASAP application should be considered an infrequent event, the team concluded that better indicators of AOD problems would have been accidental death and health related statistics. Unfortunately, repeated requests for IHS injury data by year were unsuccessful. The only data available were those reported by the Injury Prevention Program at IHS which contains no trend data (Leith and Kenmotsu, 2005). This suggests that prior planning is needed to ensure that data can be input in a manner that is most useful for surveillance and outcome assessment. The impact of AOD on health should also be assessed. According to the SWO Health care Center data (2007) for 2000 and 2005, 32 SWO youth were hospitalized or treated for AOD problems, 50 children and youth (ages 5-18) were treated or hospitalized as a result of motor vehicle accidents, and 52 percent were between ages 5 and 14 years (SWO Health Care Center Data, 2007).

Collaborative efforts between law enforcement and the court include activities related to new codes and policies to improve law enforcement on the reservation. These efforts resulted in decisions that gave tools to both law enforcement and the court. These include: the “Ingestion Law” to the tribal crime code (following the South Dakota Internal Possession Law); the lowering of Blood Alcohol Concentration (Taylor, 2006); the decision in late May 2005 that gave tribal law enforcement jurisdiction to arrest persons who are DUIs on County and State highways as well as on tribal highways; an increase in mandatory jail time for each first, second, or third DUI; and the requirement that first time juvenile offenders be placed under probation and be subjected to mandatory random drug testing.

An objective of the SWO proposal was to provide intensive alcohol and drug counseling within the tribal court by hiring a part time counselor to work with the probation officer. The need for a full time probation officer necessitated a change in strategy. The probation officers (there was one full time individual prior to the IASAP) served as the critical point for case management for the youth, their family, and increased communication and collaboration with other non-reservation based probation programs serving native youth. Responsibilities included



managing the treatment needs assessment of the juveniles to determine the level of care the probationers needed in lieu of the services that would have been provided by the IASAP court counselor.

#### **IV.4) IASAP Goal # 4: Develop and enhance collaborations with federal, state, tribal, and local criminal justice agencies.**

As noted earlier, the checkerboard jurisdiction on the Lake Traverse Reservation continues to be a tremendous challenge for law enforcement. Formal law enforcement agreements and MOUs with neighboring counties is one of the key responsibilities of the Chief of Police, an assignment given by the tribal council. Gaining agreements, however, is a difficult political process. According to the Chief of Police, some MOUs have been worked out but have not been ratified by the SWO Tribal Council (G Gaikowski, email communication, 20 August 2007). The MOUs are a means to strengthen the tribe's law enforcement collaboration with the South Dakota State Highway Patrol as well as with selected county and city law enforcement units. Formal partnerships between tribal law enforcement and Marshall, Day, and Roberts counties had not been executed as of the date of submission of this report, although according to the tribal Chief of Police, all parties who were involved have provided their input into the process. The stated reason for the delay was the inability of the county governments to decide which governmental entities have the authority to formalize the MOU with the tribe.

Nevertheless, the Chief of Police notes that informal collaboration with state and county law enforcement is good, especially between individual officers, and some of the tribal police are cross deputized. Barriers to the formalization of the MOU that were mentioned in interviews (not with the Chief of Police) and focus groups included prejudicial attitudes by some state or county officials against native peoples, "turf protection" (i.e., the need for each law enforcement agency to maintain control of its territory) and philosophical differences regarding programs such as the drug court.

#### **IV.5) IASAP Goal # 5: To integrate tribal and non-tribal services for offenders and their families**

There were no specific SWO objectives that were proposed for this goal. During the IASAP period, the addition of a juvenile probation officer improved the court's ability to

monitor and supervise juvenile probationers (who were referred to the tribal court), coordinate better with county, state, or federal probation officers working with SWO youth, and put youth on probation instead of releasing them after an arrest. While efforts were made to recruit churches to work with the youth, these efforts were not entirely successful. The local IHS mental health and/or behavioral health program providers have follow-up services for some of the youth.

#### **IV.6) IASAP Goal # 6: Identification and Use of Dakota Culture in Treatment**

The destruction of traditional Dakota values is a recurring theme as one of the causes of the social problems in the community. The use of the SWO Drug Court (Treatment Court), the utilization of the Dakotah Pride program, and the teaching of traditional Dakota values are all seen as efforts to re-establish identity and cultural strength. Youth on probation serve between 12 and 18 months and are required to attend school as well as special cultural education programs in which Dakota traditions and language are taught. As part of their therapy, those participating in the outpatient services provided by Dakotah Pride are also offered other traditional interventions such as the Sweat Ceremony.

The original plans for using Dakota culture as a part of the treatment program included having the IASAP counselor coordinate with the probation officer in utilizing the traditional method of horse therapy as well as the buffalo ranch program funded by the tribe. Unfortunately, unexpected barriers prevented the youth from utilizing these two programs. This included costly liability insurance coverage and the lack of program staff. In addition, Horse Therapy program was only available at certain time and limited. The program focus alternated each year to participants that were either all boys or all girls. Because of the limited services, only three of the probationers participated in the Horse Therapy, two males and one female. Furthermore, the proposal-identified probation officer who was a member of the tribe's horse society left before the IASAP started. Despite these setbacks, the demonstration project was able to utilize other interventions to provide cultural instruction to the young probationers. A cultural resource person was hired to work with these youth and offered sessions on cultural history, language, and other cultural traditions, i.e., drumming, singing, and learning about and attending events such as the Sun Dance. However, attendance was not officially documented and as noted, the absence of consequences resulted in a lower participation rate than desired among the probationers.

Focus group participants and/or interviewees indicated that the integration of traditional Dakota culture and traditions into substance abuse prevention and treatment is easier said than done. Barriers include the lack of cultural knowledge among the elders, religious Christian tribal members who refused to allow their children to participate in cultural activities, and parents who express ambivalence because of their own lack of knowledge about Dakota culture and traditions. The ambivalence is linked to historical experiences, rooted in the trauma and policies that rewarded acculturation while punishing those who continued to adhere to Dakota culture and traditions. Many of the elders in the community still remember being forced to speak English and being punished if they did not do so.

## **V) CONCLUSIONS AND RECOMMENDATIONS**

1) Although the efforts of the SWO-IASAP resulted in an admirable study of collaboration between tribal law enforcement, the court, probation, and treatment, their efforts had been hampered substantially by many factors. Chief among them is the chronic and substantial lack of resources.

a) In the absence of a detention facility or a residential treatment facility for juveniles on tribal land, the ability of the tribal court, law enforcement, and treatment providers to intervene are severely limited, and this hampered the intervention focus of the IASAP. For example, there were few consequences if juveniles or their guardians refused to accede to the wishes of the court, did not present for outpatient treatment, or law enforcement could not transport the juveniles to detention off tribal lands due to inadequate resources.

b) The chronic understaffing of tribal law enforcement resulted in the shift in responsibilities of the IASAP officer into more general enforcement responsibilities.

c) Police presence in the community is hampered, resulting in a need to prioritize their response (e.g., emergencies vs. routine calls) such that those community people whose problems were not prioritized viewed law enforcement negatively.

d) The inadequate number of probation officers and court counselors necessitated a change in focus of the Project Advisory Team from ensuring effective delivery of services to ensuring that the juvenile probationers are adequately supervised.

e) At the end of the IASAP funding, the probation officer left. According to the Chief of Police, since the loss of the probation officer, there has been an increase in arrest statistics (G Gaikowski, email communication, 7 August 2007).

**2)** The need for more community education, involvement and interaction with tribal law enforcement is indicated by the results of this evaluation. The community was critical in its appraisal of the tribal response to AOD issues, but passive in its own response.

a) From the focus groups and interactions with community members, it is clear that many consider the responsibility for treating the youth to fall solely on that of the tribe and providers. Results from a teen survey sponsored by the SWO Tribal Police (2005) suggest similarly that tribal teens did not consider solving tribal problems as part of their personal responsibility.

b) Personal abrogation of responsibility was found among those parents who comment that since they themselves continue to abuse alcohol or drugs, they do not see themselves as qualified to counsel their children. The same holds true among those partners who do not provide support for their spouse in alcohol treatment.

c) While seemingly passive, the community has shown its capabilities, especially when tragedy strikes. For example, the community was mobilized in 2006 by a community coalition against methamphetamine (DREAM: Determined to Rise and Exist above Meth), with many community members, young and old, participating.

d) Results of the surveys and focus groups indicate that the tribal law enforcement should conduct public relations campaigns to decrease the public mistrust and negative attitudes since a concerned and collaborative public can increase the ability of the law enforcement to adequately conduct its business and fulfill some of the IASAP goals, including the apprehension of those who contribute to the delinquency of minors.

**3)** Relationships between tribal law enforcement with those of the state and county appear to be better informally than formally. Two SWO officers (one under BIA and one under the SWO Chief of Police) have been cross deputized by the state, allowing them to arrest non-Indians on tribal lands.

- a) The ability to effect a formal MOU lies in the will of the tribal Chief of Police, tribal council, and state and county authorities.
  - b) Informal collaboration across the various agencies can nevertheless save time and resources if there is a clear understanding of a protocol that is acceptable to both parties.
- 4) Interviews, surveys and focus groups point to the absence of AOD free entertainment or diversion for youth that could prevent AOD abuse. Although there are relatively many programs for youth, they are not utilized effectively. The reasons for this lack of utilization are as follows:**
- a) The treatment services for youth are largely dependent on short term federal or other external sources of funding. This type of dependence produces a patchwork of services for youth, and these programs are neither comprehensive, consistent, nor in existence long enough to be tailored (culturally or otherwise) to the youth and make an impact.
  - b) The community is insufficiently engaged to become advocates for their own youth. Thus, instead of demanding a higher standard when parents find the youth centers not well supervised, their children stop going to these places even though they could otherwise be made into desirable AOD free places for youth.
  - c) The programs do not show creativity, are not youth-friendly, and hence are not sufficiently attractive for the youth to want to be involved.
- 5) Other factors that need to be addressed include:**
- a) Cultural considerations: Detractors of the use of traditional practices as part of the probationer's education and alcohol intervention are those who do not want their children to be exposed to non-Christian practices.
  - b) An increase in the availability of early intervention services: Parents need assistance to obtain affordable early interventions for their children. Early intervention services are not reimbursable and neither the tribe nor IHS provides parents with financial assistance for those services. Instead, as noted in focus group discussions, the system does not begin to intervene in the youth's decline into delinquency and substance use until the situation becomes problematic and the youth gets into trouble with the law and also becomes more difficult to treat. Only then does the tribe or IHS assume the cost burden for intervention services.

In conclusion, the SWO IASAP highlighted the needs of the Oyate and the commitment of their officials to combat the alcohol and drug problem in the face of tremendous challenges. Even with the chronic lack of resources, including low staffing, and inadequate or lack of treatment and detention facilities, the court probation officers were able to improve the supervision of the juvenile probationers by networking and collaborating with schools and other providers, and the law enforcement officers were able to work with community agencies to increase community awareness. However, tangible results will require sustained and targeted efforts that can occur only when there are sufficient resources to ensure that basic services are not in jeopardy.

If the SWO IASAP demonstration project has application for other tribes, it is that it was able to demonstrate that despite the lack of a reservation-based program for youth, it was able to utilize its probation staff to help the youth access and utilize existing resources to improve their treatment outcomes.

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## **APPENDIX A**

### **SWO EVALUATION LOGIC MODEL**

**Sisseton-Wahpeton Oyate Drug and Alcohol Demonstration Project Logic Model**

<b>INPUTS</b>	<b>ACTIVITIES</b>	<b>SHORT TERM OUTCOMES</b>	<b>LONG TERM OUTCOMES</b>
<p><b><u>Grant Funded</u></b></p> <ul style="list-style-type: none"> <li>o Law enforcement officer</li> <li>o Juvenile Tracker</li> <li>o Part time alcohol and drug counselor (court system)</li> <li>o Youth Enhancement program</li> </ul> <p><b><u>Non-Grant Funded</u></b></p> <ul style="list-style-type: none"> <li>o Advisory Team/ Judicial Committee</li> <li>o The Source: Boys and Girls Club</li> <li>o Tribal Schools (Tiospa Zina and Enemy Swim)</li> <li>o Dakotah Pride</li> <li>o Tribal Youth Build</li> <li>o Tribal agencies               <ul style="list-style-type: none"> <li>o Probation Office</li> <li>o Tribal Prosecutor</li> <li>o Child Protection</li> <li>o Child Support Enforcement</li> <li>o Adult Treatment Court</li> <li>o Tribal Law Enforcement</li> <li>o Tribal Court</li> </ul> </li> <li>o Management Information System</li> <li>o DARE</li> <li>o MADD</li> <li>o Fox Valley Technical College (technical assistance)</li> <li>o Tribal Archives</li> <li>o Council Meeting Reports</li> </ul>	<p><b><u>Law Enforcement and Court</u></b></p> <ul style="list-style-type: none"> <li>o Establish MOUs with neighboring counties to coordinate law enforcement</li> <li>o Interdict the transportation of alcohol and illegal drugs onto tribal lands.</li> <li>o Conduct monthly Advisory Team Meeting</li> <li>o Improve communication between the court and law enforcement by regular meetings</li> </ul> <p><b><u>Treatment Program</u></b></p> <ul style="list-style-type: none"> <li>o Implement intensive juvenile probation.</li> <li>o Monitor outcomes for probationers placed in treatment</li> <li>o Evaluate effectiveness of delivery of services (overseen by Advisory team).</li> <li>o Provide intensive alcohol and drug counseling services for youth offenders</li> <li>o Refer clients to existing traditional Dakota treatment resources</li> </ul> <p><b><u>Improve Community Awareness</u></b></p> <ul style="list-style-type: none"> <li>o To increase community awareness by public ad campaign</li> <li>o Increase highway safety by conducting periodic road blocks</li> <li>o Work with DARE program in the schools.</li> <li>o To identify areas where drugs or alcohol are being used by youth.</li> </ul> <p><b><u>Professional Staff Development</u></b></p> <ul style="list-style-type: none"> <li>o Encouraging staff training and other professional development</li> </ul>	<p><b><u>Law Enforcement and Court outcomes</u></b></p> <ul style="list-style-type: none"> <li>o Increase by 25% the number of people identified, apprehended, and prosecuted for illegal drug and alcohol transportation, distribution, or use.</li> <li>o Decrease highway fatalities of tribal members by 75% aggressively enforcing laws against DUI</li> <li>o Increase contributing charges through increased coordination between tribal court and law enforcement.</li> <li>o Reduce alcohol and drug crime by youth by 20%.</li> </ul> <p><b><u>Treatment and Probation outcomes</u></b></p> <ul style="list-style-type: none"> <li>o Implement probation supervision to improve monitoring of juvenile.</li> <li>o Increased access for youth to existing Dakota cultural resources.</li> </ul> <p><b><u>Community Development</u></b></p> <ul style="list-style-type: none"> <li>o Development of strategies that engage the tribal community in the identification of criminal justice responses.</li> </ul>	<p><b><u>Law Enforcement and Court</u></b></p> <ul style="list-style-type: none"> <li>o Reduce recurrence of alcohol-and/or substance abuse-related crimes.</li> <li>o Reduce alcohol and illegal drug fatality.</li> <li>o Increase coordination and communication between and among various jurisdictions.</li> </ul> <p><b><u>Improving Youth Development</u></b></p> <ul style="list-style-type: none"> <li>o Aim for fewer school dropouts.</li> <li>o Increase awareness on the dangers of alcohol and drugs.</li> </ul> <p><b><u>Community Development</u></b></p> <ul style="list-style-type: none"> <li>o Increased cooperation between community and law enforcement.</li> </ul>
<p><b>ENVIRONMENT</b></p> <ul style="list-style-type: none"> <li>• Philosophy of the Drug Court (reintegration not punishment)</li> <li>• Substantial tribal and community support for the prevention of alcohol and drug use among young tribal members.</li> <li>• Strong relationship between the Tribal Court and the Tribal law enforcement.</li> <li>• Collaborative relationships with county and state law enforcement and probation departments.</li> </ul>			

## **APPENDIX B**

**Other relevant data or information that supports a complete documentation of project activities**

**Site Visits**

**Other relevant data or information that supports a complete documentation of project activities**

**Site Visits:**

Site visit 11/30 – 12/01/05	
Chief Judge BJ Jones Christine Crossland	Meeting with Judge Jones. Other meetings aborted because of a severe winter storm resulting in the SWO community being evacuated temporarily.
Site visit 3/8 – 3/9/06	
Judge Jones and Tribal Court Captain G Gaikowski Programs visited included Youth Enhancement staff; Dakota Pride staff; Child Protection Program; Youth Build; Little Voices Group Home; MADD) Evaluation Oversight Committee (EOC) Observe Drug Court VP of Academic Affairs, SWO Comm. College Gretta Simon, Student Services, SWO CC Vice Chair of District Chairmen’s Association (DCA) Vice Chair of SWO (Acting Chair of SWO)	The grantee organized the visits to programs that were involved with servicing juveniles but that are not involved in the demonstration project. We observed the Drug Court (for adults); and the researchers attempted to understand the relevance of the programs to the demonstration project. We asked the EOC to review the community survey and to help plan the implementation of the community survey. We met with the political representatives to inform them of our reason for being there. We met with the acting Chairman because the SWO chairman was being recalled and with the Vice Chair of the District Chairmen. We also met with individuals from the local community College to begin the search for research interviewers.
Site visit 4/12-4/14/06	
Tribal planning office (Karen Bienas) Tribal Housing Authority District Chairs (Heipa, Long Hollow, Buffalo Lake, Lake Traverse) Gretta Simon, Student Services, SWO CC SWO Archives (Aloma McGaa) Evaluation Oversight Committee (EOC) Judge Jones and youth probation officer	Captain Gaikowski was unexpectedly unavailable. We went to the Planning office to obtain maps for communities and housing but were sent to the Housing Authority. No comprehensive housing information in communities except for HUD housing. We met with Gretta who recruited student interviewers for us. We met with the District Chairs to discuss the project and ideas to get survey participation from tribal members. We visited Tribal Archives to obtain information on programs, and reports from tribal law enforcement and courts. Judge Jones and probation officer confirmed and provided reasons for why activities that were originally proposed were not in existence.

4/06/06	Telephone data gathering with Rebecca Murdock
Site visit 7/29 – 8/01/06	
Tamra R, Michelle S, Gretta S (survey interviewers) Juvenile and Adult Probation Officers Youth Build Judge Jones and Court Data Manager Dakotah Pride (male juvenile counselor) Captain Gaikowski	The purpose of this trip was to train interviewers on the survey, to discuss sampling methods, and monitor them on their first 2 or 3 community interviews. Additional information gathering from individuals connected to the project to be evaluated.
Site visit 10/01-10/04/2006 Planned focus groups with parents of juvenile probationers, program staff/ service provider, former treatment court probationers, and traditional healers. Dakotah Pride (female juvenile counselor) IHS, Housing Authority, Tribal Prosecutor, Judge Jones, Captain Gaikowski	Focus groups were hampered due to low response (due to IRB issues, the university researchers were not allowed to directly contact potential participants); due to an emergency at the Community College, where the parents' focus group was supposed to take place, the venue was closed on the day of the planned focus group. The traditional focus group was cancelled because the potential participants were attending the funeral of one of their own. Focus groups were conducted with prior treatment court participants (3 – all females) and service providers (4). Other activities included trying to obtain substance abuse related data from IHS (mental health, injury), tribal housing and the tribal prosecutor. The Judge also suggested a law student to review literature on the legal and jurisdictional issues on the SWO reservation.
Site visit 11/05 – 11/09//06 Substance abuse treatment program (Aberdeen Regional Treatment Center – Chief Gall), Teen Center Judge Jones, Planned focus groups with youth, parents, elders, policy makers. CHR program, Tribal Archives	Focus group with policy makers cancelled because of tribal elections vote counting. Focus group with elders conducted (3). Focus group with parents/guardians. Attempted to get data from CHR and more law enforcement data from Archives.
Site visit 4/2 – 4/5/07 Judge Jones and Jamie Young Planned focus groups with youth, parents, and male drug court participants. Meeting with EOC	Discussion with Judge and Jamie about the draft on the jurisdictional issues of SWO. Severe winter weather caused roads and tribal offices to close, and the planned focus groups with the youth, parents, and past treatment court males were cancelled. Data were gathered using focus group questions with two male treatment court participants, and separate interviews were conducted with a member of the Police Commission, and a member



	of the Judicial Committee.
7/26/2007	Data Blitz – presenting preliminary data in-house; Judge Jones was unable to attend.
8/22/07 Presentation to tribal council	Planning to present to the council began in June 2007. As a result of different principals not available for particular dates that the Tribal Council met, and last minute changes by the Council, the presentation did not occur until August 22, 2007.

**Individuals contacted (numerous times) to obtain data:**

Ray Kenmotsu (IHS/ABR) Sisseton injury surveillance profile

Richard Bird (Dakotah Pride) Annual Report FY 2000

Rebecca Murdoch (Fox Valley Technical College) 2005 Tribal Youth Survey Results, Technical Assistance to SWO

Elrond Johnson and Danette Crawford (youth probation officers – not successful)

Captain Gary Gaikowski (Law Enforcement) Arrest Records; provided

Jackie Wanna (Tribal court) Court adult probation records

IHS for treatment outcomes in IHS facilities

Richard Huff (IHS) for data on clinical visits based on specific ICD-9 codes (not successful)

Aloma McGaa (Tribal Archives) Any substance abuse or law enforcement related archival data.

Research Triangle Institute for results from the substance abuse treatment needs assessment project conducted in North and South Dakota (not successful; RTI’s IRB and tribal sovereignty issues).