

Tribal Community and Justice Profile Part B: **Tribal Narrative Profile**

Applicant Name: Cheyenne and Arapaho Tribes

**Tribal Narrative Profile**

**1. Describe the general form of your tribal government.**

The Cheyenne and Arapaho Tribes (Tribes) are two separate American Indian Tribes federally recognized as one tribal government. The two Tribes have been administratively joined together by the U.S. Government since the nineteenth century. Each Tribe maintains a distinct culture and language. The tribal headquarters is in Concho, Oklahoma; which is located northwest of Oklahoma City. The Tribes operate under a Constitution ratified and adopted in 2006.

The Constitution implements four (4) branch of government; to ensure a separation of powers: Executive Branch, Judicial Branch, Legislative Branch, and the Tribal Council.

The Executive Branch is comprised of a Governor and Lieutenant Governor. The Executive power of the Tribes is vested in the Governor. The Governor executes, administers, and enforces the laws and court orders. The Governor makes projections of annual revenues and proposes an annual budget to the Legislature no later than June 1" of each year. The annual budget includes all revenue and funds controlled by the Tribes including gaming revenue, and all revenue and funds received by the Tribes from any and all sources.

The Judicial Branch is comprised of one Supreme Court and one Trial Court. The Trial Court has the power to make findings of fact, to interpret the Constitution and laws of the Tribes, and to make conclusions of law. The Trial Court shall have the power to issue all remedies in law and in equity. The Trial Court has the power to declare the laws of the Tribes void if such laws are not in agreement with this Constitution.

The Legislature consists of four Cheyenne Districts and four Arapaho Districts, for a total of eight District Legislators. The Legislature holds the power to make laws and resolutions in accordance with the Constitution which are necessary and proper for the good of the Tribes. All actions by the Legislature are embodied in a written law or resolution.

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The Tribal Council is composed of all Members of the Tribes age eighteen and older.

The Tribal Council has the power to set policy for the Tribes, approve the annual budget, authorize the Governor to enter into treaties, compacts, or any contract, and has the power to establish its own rules of order and procedure.

According to our Constitution and Bylaws, the People of the Tribes, are to establish and promote justice for all People, promote education, establish guidance and direction for our government, respect and protect our natural environment and resources, and advance the general welfare for the ourselves and our posterity.

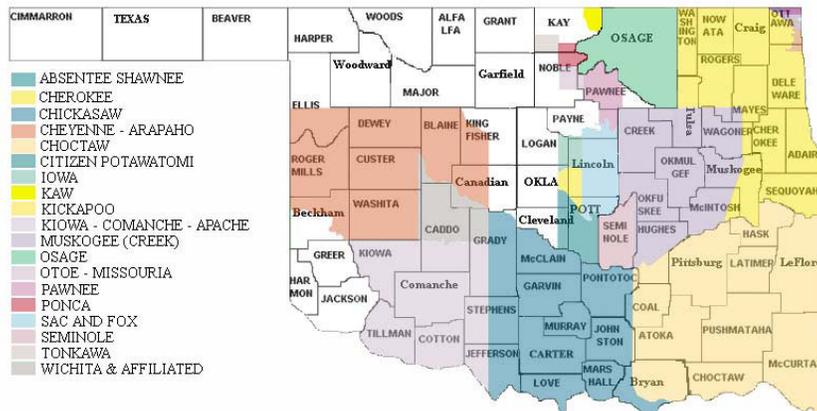
The Tribes receive funding from various resources including: grants from federal and state government, public funding, private funding, Bureau of Indian Affairs, and other outside agencies. In addition the Tribes generate revenue from things such as; tribal enterprises, services, taxes, oil and gas leases, gaming, and license plates. The tribal economy is driven by the following industries: Gaming/Recreation; Government; Healthcare; Retail Sales; Oil and Gas; and Agriculture. This revenue is used to support the activities of the tribal government and to supplement the programs that provide direct services to the Tribal members.

The tribal communities are characterized as mainly rural in population and economic activity. Tribal lands are located in western Oklahoma and span nine counties as follows: Dewey, Custer, Washita, Roger Mills, and Blaine, Canadian, Kingfisher, Beckham, and Ellis counties, totaling approximately 8,996 square miles of land. This area represents the former Cheyenne and Arapaho reservation boundary; also referred to as the tribal jurisdiction. The Tribes have approximately 38% of tribal members who reside in communities located within the Tribes' tribal jurisdictional area. The largest tribal population bases are located in Canadian, Blaine, and Custer Counties.

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### *Tribal Jurisdictions in Oklahoma*



In 2015, the Tribes enrollment department reported a total of 12,482 members on the tribal rolls. This number reflects a combined total of both Cheyenne and Arapaho tribal members. Approximately 3,632 tribal members live out of the state of Oklahoma, and approximately 3,751 live in Oklahoma, outside of the tribal jurisdiction.

The Tribes have developed a number of local business enterprises with the intent of building a strong tribal economy capable of sustaining tribal members and to contribute a significant share of employment to the region. As of 2010, the Tribes principal economic activities consist of *tribal program services, and business enterprises that include five casino gaming facilities, and a community nursing home business*; all of which are located within the tribal jurisdiction. The tribal economy is driven by the following industries: *Gaming/Recreation; Government; Healthcare; Retail Sales; Oil and Gas; and Agriculture.*

Our tribal population suffers from high rates of unemployment, low income levels, and high rates of poverty. Approximately 35.7% of tribal members reported income of less than \$1,000 per month (less than \$12,000 per year); and 44.2% reported a total of household income of less than \$2,000 per month (less than \$24,000 per year). And 15.3% reported receiving a housing subsidy from the tribal or federal government. Per Capita income levels in the tribal jurisdiction have been consistently lower than the State of Oklahoma, with the exception of Canadian County. Blaine and Custer Counties are two of the poorest in the State

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The counties with the largest numbers of households in the tribal jurisdiction are Canadian County with 2.71 persons per household, and Kingfisher County 2.60; both counties are higher than the statewide of 2.50 persons per household. The highest household income levels were found in Canadian County, at \$61,195; and Kingfisher County at \$52,284. Both counties were higher than the State average of \$52,029. Counties with the lowest household income levels in the tribal jurisdiction were Blaine County at \$36,983 and Custer County, at \$40,013.

- 2. Briefly describe the tribal justice system including prevention and/or intervention initiatives for members at-risk of involvement or already involved in the justice system (youth/adult); Law enforcement, including any cross-jurisdictional agreements; Courts; Alternative dispute resolution; Corrections, including juvenile detention facilities; Services for victims/survivors of crime (e.g., violent crime, drug-related crime, child abuse, elder abuse, domestic violence, sexual assault, dating violence, and stalking); Tribal reentry programs; Sex offender registry obligations. If services are not available within the Tribe, please describe how they are accessed or provided.**

**Youth Prevention/ Intervention:** Prevention and intervention begins with our Head Start Program. Based on early childhood development, the Head Start Program plays a key role in determining at risk children. The staff is trained to identify unhealthy behavior and to intervene. Any behaviors outside of the norm are evaluated and referred to the appropriate service provider.

The Tribes' Indian Child Welfare (ICW) Program investigates reports of child abuse, neglect and abandonment. The ICW provides social work services, prevention, and support services to Tribal children and their families who are at risk of abuse or neglect. The ICW program works closely with the Bureau of Indian Affairs (BIA) for assistance with child abuse investigations, child abductions, and court-ordered removal of children.

The Trial Court provides the legal jurisdiction necessary for the ICW Department to establish custody over children. The Trial Court is the entity that ensures that appropriate legal statutes are followed and no rights are violated.

The Tribes Sex Offender Registration and Notification Act (SORNA) Program's mission

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is to safeguard the Cheyenne and Arapaho Tribal community by providing an enhanced program for supervision of sex offenders that reduces the likelihood of future sexual victimization.

SORNA staff through the use of technology and education prevents victimization of children by creating awareness around the sex offender registry.

The Tribes Department of Health offers health and wellness programs to Native Americans who reside in the tribal jurisdictional area. These programs are designed to address serious medical issues faced by tribal members. The Department of Health Programs include: Tribal Health Education Programs; an Emergency Medical Services (EMS) program; a Community Health Representative (CHR) Program; a Diabetes Wellness Program; and a Substance Abuse Program, Strategic Prevention Framework Tribal Incentive Grant (SPF-TIG).

Our Tribal Youth Counselor serves as the liaison between school age youth in public systems and tribal resources. School-age youth benefit from the services provided within the public school system curriculum focusing on stress, decision making, anger management, bullying, violence prevention, substance abuse, maintaining healthy relationships, dating and stalking, avoiding pregnancy and suicide prevention. The school systems support both academic and social mentors from many tribal departments.

The Tribes Recreation, Exercise, & Sports for the Elders and Children of our Tribes (RESPECT) Program provide opportunities for recreation, exercise, sports, wellness, education, and leadership. Sponsored activities and events offer opportunities to nurture youth to become responsible adults and generate unity among tribal members. The RESPECT Program focuses on healthier lifestyles and supportive family relationships.

Indian Health Services provides medical evaluations and care, as well as health awareness, disease prevention, HIV prevention, quit tobacco products, diet and nutrition training, and provides referrals for clinical substance abuse treatment.

**Adult Prevention/ Intervention:** The Tribes operate the George Hawkins Memorial

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Treatment Center, a sixty day adult residential treatment center located in Clinton, OK. The Program uses the curriculum of the “Alcoholics Anonymous 12-Step Program” and the “Native American 12-Step Program” in daily group and individual sessions. In the treatment process, counseling professionals implement an eight week topic schedule that covers the following subjects: alcohol and drug education, relapse/relapse prevention, relationships, cultural and spiritual aspects, communications/assertiveness, emotions, self-concept, and feelings awareness.

The Trial Court operates a Healing to Wellness Court (HWC). The mission of the HWC is to empower tribal members to live soberly by offering comprehensive services that protect and support the recovery of offenders. The program has the following goals: 1) Identify individuals charged with substance abuse related crimes in the Trial Court; 2) Respond with judicial supervision, treatment providers, community resources, and cultural, spiritual and traditional aspects of healing to sustain recovery and treatment; and 3) Sustain sobriety through various resources and support networks from the community.

The SPF-TIG program is community awareness initiative that works to prevent the onset and reduce the progression of substance abuse. SPF-TIG reduces substance abuse related problems in community, and builds prevention capacity and infrastructure at the tribal community level.

**Law enforcement, including any cross-jurisdictional agreements:** The Tribes do not operate their own Police Department. The Tribes rely solely on the BIA for law enforcement. The Tribes are served by District II, which covers both the Eastern Oklahoma and Southern Plains Regions. The BIA Division of Law Enforcement consists of telecommunications, uniform police, and criminal investigations. BIA enforces tribal laws and codes on Cheyenne and Arapaho tribal jurisdiction.

The BIA Law Enforcement currently contracts with Kingfisher County Jail for short-term detention services for the Tribes’ offenders. Kingfisher County Jail reserves four (4) bed spaces

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for offending females and four (4) beds for males. If long-term adult detention facilities are needed, then the offenders may be placed at the Ute Mountain Ute Tribe's Chief Ignacio Justice Center Adult Detention in Southern Colorado or a similar place and at the discretion of BIA.

Cheyenne and Arapaho juvenile offenders outside of the jurisdiction are placed in designated juvenile detention facilities as determined by the Office of Juvenile Affairs. Juvenile offenders, who are tribal members and live within the Tribal jurisdiction, are most likely placed at the Sac and Fox Juvenile Detention Facility, the Gary Miller Canadian County Juvenile Detention Facility, or the Beckham County Detention Facility for short-term placements.

The Tribes have cross-jurisdictional agreements with entities such as: the BIA, the appropriate jurisdictional counties, state, and surrounding cities. For instance, certified copies of warrants issued from state and county courts are routed through the Trial Court for the Judge's approval. For enforcement on trust lands, state and county law enforcement agencies obtain the assistance of the BIA Law Enforcement. These cross jurisdictional agreements and relationships are pivotal to community safety and wellbeing.

**Courts:** The Tribes Judicial Branch is comprised of a Supreme Court, a Trial Court, and other lower courts of special jurisdiction as deemed necessary by the Legislature by law, and other forums of special jurisdiction for traditional dispute resolution. The Supreme Court has one Chief Justice and four (4) Associate Justices. The Supreme Court has one Supreme Court Clerk and a Deputy Court Clerk.

The Trial Court serves as a District Court, and is structured for one Chief Judge and additional Associate Judges as necessary. Judges and Justices for each court are selected upon nomination by the governor of the tribes, and are subject to confirmation by the legislature, and final approval by the Tribal Council. The Chief Justice and Associate Justices of the Supreme Court serve four-year staggered terms. The Trial Court has one Court Clerk and one Deputy Court Clerk.

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Presently, the Trial Court is conducted by Associate Judges on weekly basis, holding court Monday through Friday. Court dockets are set up by case type: Civil, Divorce, Guardianship, Juvenile, Criminal, and Delinquency dockets. The Court Clerk, Deputy Court Clerk, Attorney General, Public Defender, and Judge are present for each court date.

The Trial Court often requests the assistance of the Oklahoma Indian Legal Services (OILS). OILS provide the Court with appointed services by Order of the Court at no cost to the Tribes. The OILS provide representation for indigent parents, defendants in non-violent crimes and as guardian ad Litem for Cheyenne and Arapaho children.

**Alternative dispute resolutions:** The Tribes provide a Legal Aid Program (LAP) which represents tribal members in tribal court and courts in Beckham, Blaine, Canadian, Custer, Dewey, Ellis, Grady, Kingfisher, Oklahoma, Roger Mills, and Washita County. The types of cases handled by the program are as follows:

1. Defense of misdemeanor criminal charges.
2. Defense of felony criminal charges if the statutory range of punishment includes a term of imprisonment of 10 years or less.
3. Defending parents or children in deprived juvenile cases when appointed by the Court.

Additionally, the Tribes provide a Public Defender's Office. The Public Defender provides legal advice for all tribal members regardless of case type. Often times, the Public Defender resolves issues before heading to court. The Public Defender's Office works exclusively in the tribal court.

Lastly, our Constitution under the Judicial Branch, allows for other forums of special jurisdiction for traditional dispute resolution as deemed necessary by the Legislature by law.

**Corrections, including juvenile detention facilities:** Offenders, whose convictions exceed a six month sentence in prison, serve their sentence in Towaoc, CO or Yuma, AZ at the

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BIA federal detention facility. Offenders, whose convictions sentence is less than six months, will serve time in the Kingfisher County Jail.

Within the Tribes' service areas are county Sheriff's Offices and the larger municipalities are supported by local police departments. The majority of Indian arrests occur in communities within the Tribes service area, but outside Tribal trust lands. These offenders are placed in the custody of local law enforcement detention facilities through their local court system.

There are nine county jails located within the boundaries of Tribes with a total of 388 total county jail beds. There are two adult detention facilities located in the tribal jurisdiction: the Beckham County Detention Center and the Union City Detention Center. If a Cheyenne and Arapaho offender is convicted to prison in a county, they will serve their sentence in an Oklahoma Department Corrections (ODOC) facility.

Cheyenne and Arapaho Juveniles, who are arrested in the tribal jurisdiction, are most likely placed at the Sac and Fox Juvenile Detention Facility, the Gary Miller Canadian County Juvenile Detention Facility, or the Beckham County Detention Facility for short-term placements.

The Juvenile justice system in the State of Oklahoma is administered within each of Oklahoma's 77 counties by District juvenile courts, and District Attorneys. County offices of the Office of Juvenile Affairs (OJA) provide intake, probation, custody, parole services, and detention services. When a juvenile is arrested, the officer may release the juvenile to his/her guardian or may request placement in a secure detention facility.

**Services for victims/survivors of crime:** Through the Trial Court of the Tribes a victim can obtain Victim Protection Order (VPO). A VPO is an order that can help stop violent and harassing behavior and protect an individual and family from the person causing harm. A VPO may be issued when a person is a victim of domestic abuse, stalking, or harassment. This legal form is made available through the Court Clerk's Office.

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The Trial Court accepts a pauper's affidavit or a sworn statement stating a person does not have sufficient funds to pay court costs for the filing of a new civil case. A judge must enter an order determining poverty.

The Tribes Social Service operates the Office of Domestic Violence. The goals of the program include providing prevention and educational outreach events, provide direct services, and provide culturally-appropriate activities to identify and implement positive coping skills. The goal of the program is to break the cycle of generational domestic violence and provide victims with resources that can help meet their individualized needs.

Tribal members may obtain financial assistance from the Crisis Department and Elder Care. The financial assistance can be used to provide food, shelter, and clothing. Tribal members can utilize these funds as a down payment on a rent home or to open utility services.

**Tribal reentry programs:** The Tribes' Sex Offender Registration and Notification Act (SORNA) Program was selected by the Native American Sex Offender Management (NASOM) as 1 of only 4 tribes in the nation to participate in a Sex Offender Treatment and Reentry Case Study.

The purpose of the case study was to determine: What the Tribe's needs are related to sex offender treatment, management, and/or reentry? What resources are available? What specific sex offender treatment, management, and/or reentry model may best meet the Tribe's needs? How to implement the model selected.

The National Criminal Justice Training Center of Fox Valley Technical College provided initial on-site training to tribal stakeholders on sex offender treatment, management, and reentry. Fox Valley Technical College continues to offer ongoing consultation, as the Tribes are in the initial stages of developing a sex offender treatment and reentry program.

Furthermore, the Tribes Probation Officer assists former inmates in service navigation including employment, job training, and GED. The Probation Officer provides case management

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and transportation to drug and alcohol treatment facilities.

**Sex Offender Registry Obligations:** The Tribes have established a sex offender registry system for such individuals residing on, working on, or going to school within the jurisdictional boundaries. Individuals who have been convicted of a qualifying sex offense as outlined in the Tribes Sex Offender Registration Code or the Federal Sex Offender Registration and Notification Act must register as a sex offender with the Tribes.

The mission of the Cheyenne and Arapaho Tribes' SORNA program is to promote the safety of our community by registering and tracking sex offenders and providing community awareness. The Tribes partner with US Marshalls, BIA Law Enforcement, and surrounding counties to enforce the Tribal SORNA Code. The SORNA Program currently has 7 registered sex offenders.

The Cheyenne and Arapaho Tribes selected and actively use Tribe and Territory Sex Offender Register System (TTSORS) as the sex offender management system and public web site. The Cheyenne and Arapaho Tribes TTSORS site can be found at: [www.catribes.nsopw.gov](http://www.catribes.nsopw.gov). The Tribes have access to and utilizes the SORNA Exchange Portal to report and access absconded or relocating offenders and information updates.

**Probation Office:** The mission of the Tribes' Probation Office is to promote public safety and develop positive change in offender behavior by improving their ability to live productively and lawfully. The Probation Office currently supervises 34 cases.

The Probation Officer makes frequent visits to designated community service sites to check on probationers. The Probation Officer conducts home visits, address verifications, and employment checks. The majority of individuals being supervised are obtaining alcohol and drug assessments or treatment at some capacity.

The Probation Office provides an Anger Management Course which utilizes Anger Management for Substance Abuse and Mental Health Clients: A Cognitive Behavioral Therapy

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Manual developed by Substance Abuse and Mental Health Services Administration. This manual provides for 12 sessions which include worksheets and homework assignments.

- 3. Describe the significant tribal justice, community safety, juvenile delinquency, and victimization issues facing the Tribal Nation and explain why these issues are the most pressing. *Ensure that the problems described are connected to the purpose areas for which the Tribe is applying.***

Since 2010 the Tribes have had a Strategic Planning Advisory Board in place for community health, wellness, and safety initiatives. The Strategic Planning Advisory Board meets at least semiannually and serves the following three functions: 1) information sharing and data collection; 2) review needs and make recommendations; and 3) create public awareness. It is by this data driven process that members were able to identify the most pressing problems that threats the community. The Strategic Planning Advisory Board; met January 7, 2016 to discuss CTAS 2016. It is the intent of the Tribes to utilize CTAS 2016 to address the barriers as it related to the different services.

**Purpose Area 4:** Criminal activity and community and employee safety are two critical issues of public safety that have long been identified as problematic for the Tribes.

*Criminal Activity* -The Tribal Court has experienced a large increase in criminal cases. The majority of offenders are suffering the effects of poverty, substance abuse, and isolation. It is the stance of the Tribes to utilize alternatives to corrections such as drug and mental health treatment; making the detention of tribal members a rare exception.

*Community and Employee Safety*- The current building's layout is non-conducive to public safety and is insufficient with regard to practical use. There is not space to implement proper check points making public and staff subject to acts of violence.

Although, the Tribes provide extensive services to tribal members to reduce public safety concerns through correctional alternatives and comprehensive client-centered judicial, social, and

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police services in a single location it is imperative to have a structurally sound and functionally reliable justice facility. The Tribes are requesting \$3,162,513 to develop Phases II and III of a Tribal Justice Center. This amount is well within the estimated \$2-\$4 million per award for supplemental funding for multi-purpose justice center.

**Purpose Area 9:** The Tribes Department of Education (CADoE) is located in Concho, Oklahoma and provides services to 13 school districts within our 9 county service area. In meeting with school administration from the 13 school districts it was brought to our attention the alarming number of American Indian students with chronic truancy and/or at risk of dropping out.

CADoE will address the large number of Indian youth exhibiting risk factors for chronic truancy and/or dropping out by designing a culturally-based tribal youth program, designed to promote education and culture, which will be offered during and after school hours at El Reno and Hammon Schools. There are currently 125 Native American students enrolled in grades 8<sup>th</sup>-12<sup>th</sup>, ages 13-17, in El Reno and Hammon Schools. Of these 125 students, 50% are chronically truant and/or at risk of dropping out.

The overall goal of the Cheyenne and Arapaho Tribal Youth Program (TYP) is to decrease truancy and drop-out numbers by 10% in year 1 and 25% in years 2 through 4. The first objective that will be used to meet this goal will be to provide tutoring during and after school hours to Native students who are struggling academically to raise overall grade point averages. TYP personnel will use various educational resources and methods to provide numerous learning opportunities to meet the students' academic needs.

The second objective that will be used to meet the overall goal is to conduct home visits and informational meetings to educate parents/guardians on the importance of their student's education to in turn lower truancy occurrences. TYP personnel will partner with school administration to conduct these home visits and informational meetings.

The last objective that will be used to meet the overall goal will be to establish Native

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American clubs in both schools where cultural activities will take place and students will be able to form a cultural identity and sense of pride and belonging.

The Tribe TYP will serve approximately 125 students per year of the project period. Data will be collected and compiled by TYP personnel to show the effectiveness of the program.

**4. Describe current and future plans to comprehensively address the Tribe's public safety, criminal and juvenile, or victimization issues.**

On October 4, 2012 key members of the Judicial Branch and members of the Advisory Board presented a proposal on the Justice Center to the Tribes Tax Commission. The Tax Commission was informed of the needs surrounding the following areas: tribal justice, community safety, juvenile delinquency, and violence. A needs assessment to comprehensively address the Tribes' public safety, criminal and juvenile justice, and victimization issues was developed by the Advisory Board in 2010. The result was identified as the need for wrap-around services related to the Tribal Justice. As a result of the proposal, the Tax Commission awarded the funding to develop Phase 1 of the new state-of-the-art Justice Center. This new facility will allow departments to coordinate services and provide, prompt, and orderly justice.

**5. Discuss any additional information about your Tribe that would be important in the understanding and evaluation of your application.**

The Tribes have a long history of working closely together with the BIA and have maintained P.L. 638 contracts with the BIA for decades. Reviewer comments from a previous application, stated weakness was the lack of a support letter from the Bureau of Indian Affairs. The Grants and Contracts Specialist was informed by the BIA Area Office that it is policy *not* to provide letters of support to Tribes.