

**Tribal Community and Justice Profile – Part b. Tribal Narrative Profile (25%)**  
**Applicant Name: Lac du Flambeau Band of Lake Superior Chippewa Indians**

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

The Lac du Flambeau (LdF) Band of Lake Superior Chippewa Indians is a federally recognized tribe located in northern Wisconsin, with a total population of 3,600 tribal members, of whom 2,198 live on the reservation. Pursuant to the Constitution and bylaws of the Lac du Flambeau (LdF) Band of Lake Superior Chippewa Indians, the Lac du Flambeau Indian Reservation is governed by a 12 person Tribal Council, composed of a Tribal President, Vice-President, Secretary, Treasurer, and eight “at-large” Council representatives. Officers and Council persons are nominated and selected by a popular vote, with two year, staggered terms. The Council meets twice monthly on a formal basis, and all formal decisions are made through a majority rule vote. The guiding mission of the Tribe and its Council is “To provide leadership for the betterment of tribal membership and descendants in the areas of health, education, welfare, economic and job development, and the protection of Mother Earth’s natural resources.”

Wisconsin is a Public Law 280 (P.L. 280) state, where significant criminal and civil jurisdiction over tribal land falls to the state and is transferred to the respective counties. The Tribal Court includes a full-time Tribal Judge, appointed by Tribal Council, a part-time Tribal Prosecutor, three Associate Judges, one full-time Clerk of Courts and two full-time Court staff positions. The Tribal Court exercises jurisdiction over civil cases and criminal cases with a one-year sentence or less and limited fines. When crimes are committed on the reservation that are felonies, or that have a potential sentence of greater than one year, they are referred to the Vilas County District Attorney’s office, and fall under the jurisdiction of the Vilas County Court.

**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**

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**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.**

The Tribal Justice System in Lac du Flambeau consists of a plethora of tribal and non-tribal organizations, including: its Law Enforcement agencies (LDF Police Department and Vilas County Sheriff's Department), Tribal and County Courts, Tribal and County Attorneys, County adult and juvenile correctional systems, schools, tribal and non-tribal health care providers, Vilas County Departments of Social Services and Juvenile Intake, and all of the agencies and services that fall under the newly formed Lac du Flambeau Health and Human Services Department. In March of 2013, the LDF Tribal Council declared a "State of Emergency," after a surge in AODA related crimes and deaths in the community. The prevalence and consequences of alcohol and drug abuse in LDF had reached a tipping point, and there was an outcry from the community that something more be done. The emergency declaration led to enhanced law enforcement efforts and prosecutions, increased enforcement within tribal housing, and led to a thorough evaluation and restructuring of the Tribe's Health and Human Services agencies, programs and systems, in order to form a single, comprehensive **Health and Human Services Department**. The Domestic Abuse and Sexual Assault Program, the Family Resource Center (the outpatient Behavioral Health agency), and the Transitional and Sober Living Homes have formed the **LDF Family Resource Department**. The Indian Child Welfare Program, Youth Services, Foster Care Licensing and the Waiver Program have formed the **LDF Family Services Department**. The Family Resource and Family Services Department each have a Director, each of whom report to the Human Services Director. This new structure assists the various agencies within the Department to streamline their services, such as implementing the Wraparound Services model

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system wide. It also provides a structure through which the agencies and programs can collaborate more effectively in serving their mutual clients. It moves the Human Services agencies away from what had become a “silo” effect.

Over the last several years, the LDF Tribe has implemented two **Healing to Wellness Court** Programs that demonstrate the Tribal Justice System’s ability to collaborate across programs, agencies and systems, within and outside of Tribal Government. The **Zaagiibagaa Healing to Wellness Court** incorporates joint supervisory responsibilities of the court, between the LdF tribal Court and the Vilas County Circuit Court, to provide a comprehensive, collaborative, treatment and supervision program that helps adults become drug-free, crime free, and gain personal skills to develop self-sufficiency for becoming contributing members of their community. This innovative Wellness Court program became operational in June of 2013, and has received funding from both the Wisconsin Department of Justice and SAMHSA.

In October of 2014, the Tribe received funds from the Office of Juvenile Justice and Delinquency Prevention to expand its Wellness Court to serve youth involved in the Justice System due to underage drinking and related problems. This **Underage Drinking Wellness Court** (UDWC) uses the Healing to Wellness Court collaborative model to bring Assessment, Treatment and Comprehensive Care Coordination Services to youth who may be struggling with addiction, as early as possible in their addiction cycle. The UDWC is in the early phase of start-up, and is using lessons learned from the Zaagiibagaa Healing to Wellness Court to ensure optimal collaboration and fidelity to the model.

**The Lac du Flambeau Tribal Police Department** has jurisdiction over all Reservation residents, and is supported by cross jurisdictional cooperative agreements with the Vilas County Sheriff’s Department. Tribal police participate in several statewide task forces, including the

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North-Central Drug Enforcement Group (NORDEG) and the Native American Drug and Gang Initiative (NADGI). In addition to working with the Tribal and County Court systems, the Tribal Police Department has been very active in working with the federal court system through the US district attorney's office. Tribal police also work cooperatively with the Wisconsin State Department of Criminal Investigations (DCI), Division of Drug Enforcement.

**The Lac du Flambeau Judicial Branch** sets forth standards for tribal courts established by the tribal constitution, tribal codes, and the Indian civil rights act(ICRA), federal court decisions interpreting the ICRA, and all tribal court decisions. It is composed of a two-tiered judiciary system consisting of a Tribal Trial Court and an Appeals Court, composed of one Chief Trial Judge and a number of Associate Trial Judges. The tribal court system is a full Tribal Court (criminal and civil) that exercises concurrent jurisdiction with the State of Wisconsin over criminal activity. Tribal courts exercise jurisdiction over criminal offenses with a one-year sentence and limited fines, such as traffic violations, child welfare, child support, paternity, housing, truancy, domestic abuse, juvenile alcohol violations, landlord/tenant disputes, conservation and natural resource issues on and off reservation, divorce, child in need of protection (CHIPS), small claims, probate, criminal (probation by judges). The tribal Court exercises personal jurisdiction on tribal members, limited nonmember Indian and non-Indians, depending on subject matter jurisdiction. Alternative dispute resolution is not currently offered on the Lac du Flambeau reservation.

The **Vilas County Courts and state corrections system** has jurisdiction for all other criminal offenses under public law 280 (PL 280) agreements. **Probation and Parole services** are performed by the Wisconsin state Department of Corrections, which has an office on the reservation. With respect to youth offenders, correctional placements are handled through the

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Vilas County Juvenile Courts; Vilas County is fiscally responsible for the placement of both youth and adults in off reservation correctional facilities. The distance to the nearest jail is 45 miles (to the County seat of Eagle River). Correctional facilities for short-term stays for juveniles are located a minimum of 81 miles from the reservation. The tribe does have a short term holding cell unit (for adults) on-site within the Lac du Flambeau Police Department offices. The tribe is currently engaged in a feasibility study and master plan development for a new correctional/alternative juvenile facility, potentially in partnership with other Wisconsin tribes and Vilas County. This planning effort is being funded by a Bureau of Justice Assistance planning grant.

The tribal **Domestic Abuse and Sexual Assault Program (DASAP)** has seven full-time staff and four part-time staff that operate on the 6000 ft.<sup>2</sup> facility on the reservation. There are five bedrooms and three bathrooms available for emergency shelter stays. The DASAP operates a 24-hour hotline, provides clients with advocacy case management services, physical and mental health referrals, individual and group counseling, legal and social service assistance, access to job skills training, education opportunities, child care and transportation. The local health clinic, the Peter Christensen Health Center, has two on- call SANE nurses for victims of sexual assault. Additionally the program and the tribal police both have trained staff in their respective departments for investigating sexual assault crimes, and to better serve victims of sexual assault. The domestic abuse program also provides a men's Batterer's Intervention Program for convicted offenders.

The **Lac du Flambeau Family Services Department** (formerly Indian Child Welfare) is tasked with protecting the welfare of children and youth on the LDF Indian Reservation. The office provides child protection services that conform to the standards set forth in the 1978

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Indian Child Welfare Act (ICWA), the 2009 Wisconsin Indian Child Welfare Act (WICWA) and LDF Tribal Code. The Department handles Child Welfare Investigations and Ongoing Cases (family preservation and out-of-home placements), Delinquency Cases, Foster Care Licensing, and State Waiver Programming.

**“Gookomis Endaad—Your Grandmother’s House”.** The facility will be a licensed Community Based Residential Facility (CBRF) by the Tribe and the State of Wisconsin; operating within the boundaries of the Lac du Flambeau Reservation. The facility will be licensed as a 20 bed operation, providing licensed outpatient behavioral health services, mental health clinical services, Alcohol and/or Drugs (AODA) counseling services, job readiness and independent life skills services and support, and be rooted in the culture and traditions of Lac du Flambeau Band.

Lac du Flambeau Land Management office purchased 45 acres of private property on the reservation, which included a seven bedroom home. The Tribal Council appropriated the land and the home to the Family Resource Center, for the purpose of developing, implementing and operating the Mino-Ain-Dah-Ing Treatment Home (MTH) for adults committed to recovery. The MTH property has become a valuable resource for the treatment and corrections community in Lac du Flambeau, in helping to reduce the overall number of community members returning to jail or prison for addiction related recidivism. It has also helped to increase the number of community members seeking help for their addictions; since the MTH opened in 2012, it has served 43 adults.

The Tribe also operates two gender specific Sober Homes on the Reservation that serve 4 individuals per home. Clients must agree to maintain sobriety while residing at the property(s) and agree to participate in intensive outpatient counseling services, and be willing to serve as

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peer supports for fellow Sober Home residents. Residents are charged a modest fee for rent, which goes towards the operational expenses of each home.

The Wisconsin Department of Corrections rents a four-bedroom home on the reservation for the purpose of prisoner reentry; however, the facilities are insufficient to meet demand. There are no halfway houses in the area nor are their facilities that promote culturally adaptive practices.

There is currently no formal reentry program for juveniles in or around the LdF area.

The LdF tribal police maintain a **Sex Offender Registry** that mirrors the state of Wisconsin. The registry is updated annually for each offender that resides within the exterior boundaries of the LdF Indian reservation. All offenders are sent a letter prior to their renewal date informing them that they need to set an appointment with an officer from the LdF tribal Police Department for a face-to-face interview. During the interview process, offender information is updated, including place of residence, employment status, driver's license status and other pertinent information. This information is kept in the offender's personal file, and the sex offender registry book at the LdF tribal Police Department for public access.

The tribe opened a new Multipurpose Justice Facility in September 2011. The building includes temporary holding cells for adult offenders awaiting transport, tribal police, tribal courts, a Wisconsin Department of Corrections field office, child support services, and space for justice related training and support services. Vilas County Circuit Court also holds sessions at this location monthly, in addition to their joint participation with the tribal court system through the Healing to Wellness Court.

- 3. Describe the significant Tribal justice, community safety, juvenile delinquency, and victimization issues (e.g., child abuse, elder abuse domestic violence, sexual assault, sex trafficking, dating violence, and stalking) facing the tribal nation and explain why these issues are the most pressing. Ensure that the problems described are connected to the purpose area (s) for which the tribe is applying. For example, if the**

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**tribe is applying for purpose area number one, the tribe should discuss law enforcement related issues. If the tribe is applying for multiple purpose areas, all of the relevant issue should be identified in this portion of the profile.**

The overall prevalence of alcohol and drug addiction and related crime in LDF has reached epidemic proportions. Ninety-four percent (94%) of LDF parents surveyed in a 2008 study stated they felt that alcohol or drugs split their community.<sup>1</sup> The Vilas County rates of Opioid related hospitalizations (5.9 per 1,000) and alcohol related hospitalizations (1,655 per 100,000) are one of the highest in the state, second only to Menominee County.<sup>2</sup> The crime rates in LDF in which Alcohol or Drugs were documented to be involved are alarmingly high. The following table (**Table 1**) shows the rates (BIA numbers) from 2011-2014. The addiction epidemic in LDF is also profoundly affecting our youth. **Table 2** shows the rates for Underage Drinking Citations issued in LDF for the past four years.

<b>Table 1</b>	
<b>Increase in AODA-Related Crime in Lac du Flambeau</b>	
<b>Year</b>	<b>Alcohol and/or Drug-Related Offenses</b>
2011	1,283
2012	1,797
2013	1,928
2014	1,804

As described above, the Tribe declared a formal state of emergency in March of 2013 due to the growing epidemic of drug related criminal activity, usage,

<b>Table 2</b>	
<b>Underage Drinking Citations Issued in LDF</b>	
<b>Year</b>	<b>Alcohol and/or Drug-Related Offenses</b>
2011	68
2012	168
2013	160
2014	100

and deaths in this community. The tribal government has taken a very strong stance in addressing the local

community problems that have been impacted by these types of activities, placing an emphasis on crime reduction and criminal prosecutions, youth delinquency prevention and intervention

<sup>1</sup> The Healing Pathways Project: An Eight-Wave Study of Health, Mental Health and Substance Use Among American Indian Families, Funded by the National Institutes of Drug Abuse and the National Institutes of Mental Health, Principal Investigator: Les Whitbeck, University of Nebraska-Lincoln.

<sup>2</sup> Wisconsin Epidemiological Profile on Alcohol and Other Drug Use, 2014, Wisconsin Department of Health Services, September 2014



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services, accountability for criminal offenders, and services for individuals who want to meet their drug and alcohol problems head on.

In order to meet these demands, the tribe sorely needs financial assistance to help programs that support the tribal Council initiative. The tribal police department, already facing the highest calls for service per officer in the Northwoods area, needs assistance (P.A. 1) for training to enhance their capacity to deliver community oriented policing activities that address these community problems. The Health and Human Services Department needs assistance (P.A. 3) to fund the start-up operations of the new tribal “Gookomis Endaad” AODA Treatment Center. The Transitional and Sober Home Programs need assistance (P.A. 4) with renovations in order to increase their capacity to safely meet the needs of recovering tribal members as they are re-entering the community from jail or treatment. The Domestic Abuse and Sexual Assault Program needs continuing assistance (P.A. 5) to provide crisis and ongoing advocacy to victims, Batterer’s Accountability Programming, a platform for collaboration and education of professionals, and community outreach and education. The Family Services Department requires support (P.A.’s 6 and 7) to increase its capacity to serve the growing numbers of children and families on its caseload, and to provide Wraparound Services to children and families, designed to reunite and strengthen families on this reservation. Finally, the Tribal Justice System in its entirety requires funding (P.A. 2) to develop a Comprehensive Tribal Justice Systems Strategic Plan. It is our intention to incorporate our current efforts at developing a Tribal Action Plan into this larger Justice Systems Strategic Plan.

- 4. Describe current and future plans to comprehensively address the tribe’s public safety, criminal and juvenile justice, or victimization issues (e.g., violent crimes, drug related crime, child abuse, elder abuse, domestic violence, sexual assault, dating violence, and stalking).**

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The LDF Tribe's Emergency Declaration came in 2013 as a response to the community's request for action. The tribal community has experienced multiple deaths of community members in the past three years. Each death has been attributed to the sale, delivery, or usage of illegal drugs. On April 6<sup>th</sup>, 2013, the tribal Council followed up with a community forum to gather community input on this matter. A community survey was conducted that focused on the community's perception on prescription medication abuse and synthetic drug usage. The survey sampled 193 community members of which 87% were of American Indian descent. Preliminary results from the survey showed that 71% reported knowing someone who use uses synthetic drugs and 78% know someone who had used prescription medication illegally. The survey also indicated that synthetic drugs and illegal usage of prescription medication often occurred through family members and friends. Respondents also indicated that this usage was reported highest among adults 18 to 29 years old and secondarily, with adults 30 to 45 years of age. 84% of the respondents believed that law enforcement should play a larger role in combating the illegal usage of prescribed medication and synthetic drugs.

As a result of the community forums in April 2013, the Tribal Council directed program staff and law enforcement to take an active stance with the State of Emergency, and they commissioned a thorough system-wide assessment of all of the Tribe's Human Service Programs. The Tribal Police Department, in conjunction with numerous law enforcement agencies, conducted drug raids targeting individuals selling synthetic and prescription drugs to children, pregnant women, and vulnerable community members. This coordinated response was code-named "Operation Pandora", and began June 26, 2013. Since the inception of Operation Pandora, there've been approximately 35 to 40 controlled purchases, and seven search warrants and raids, resulting in over 30 arrests.

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The State of Emergency Assessment was conducted through a contract with

(b)(6) and included extensive recommendations regarding system reorganization to better meet the human service needs of the community. Many of these recommendations have already been implemented, including the HHS Restructuring, as previously described. Other recommendations have included partnering more with the State to develop sustainable funding for Tribal Human Services. The Tribe has made great strides in 2014 in this area. The LDF Tribe is the first tribe in the State of Wisconsin to receive certification from the Wisconsin Department of Health Services to begin providing and billing for Comprehensive Community Services (CCS) through Wisconsin Medicaid, a long term, sustainable funding source. The LDF Tribe is also the first in the state to enter into a successful Title IV-E Pass-Through Agreement with the State of Wisconsin, which will result in further funding for the delivery of child welfare services by the FS Department. The Tribe has worked hard over the past year to build partnerships with the state across various systems, including the State Departments of Corrections, Children and Families, and Health Services. The Tribe engages in quarterly meetings and consultations with each of these Departments, in addition to participating in the Tribal and State Collaboration for Positive Change monthly meetings. By having a “chair at the table,” the Tribe is in a better position to advocate for the resources needed in this community to address its social issues.

Other recommendations that the LDF Tribe is implementing from the State of Emergency Assessment include Tribal Code Revisions, working with subject matter experts on areas of gang prevention, youth violence, and drug and alcohol treatment services, and implementing evidence based practices across our human services and justice systems, such as the Wraparound Services Model and the Healing to Wellness Court Model. It is our intent to utilize Department of Justice

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CTAS Funds from Purpose Areas 1 through 7 to enhance our efforts at further implementing the Assessment recommendations. The projects proposed under the multiple purpose areas of this application are all designed to provide long-term solutions that are community driven, collaborative, culturally relevant, and evidence-based.

LDF remains in the midst of a State of Emergency; alcohol and drug addiction and the resultant crime on the LDF Reservation has been entrenched for generations, with multiple, compounding causes. It will take time for the coordinated response to have a significant impact on reducing its rates.

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

The Tribe recognizes the need for a holistic, coordinated approach to serving its citizens through all phases of the justice system: including prevention, diversion, intervention, adjudication, treatment and re-entry. The Tribe has an established platform to increase and enhance its collaborative efforts - all Programs that deliver Tribal Justice System Prevention and Intervention Services are directly involved with the Healthy Community Action Team (HCAT), which has been meeting monthly for over five years. The Tribe has also adopted the State of Emergency Assessment and its 77 recommendations as a “Roadmap” for reorganizing the tribal Human Services System to better meet the needs of its citizens. Finally, the Tribe is actively engaged in efforts to meet the requirements of the Tribal Law and Order Act (TLOA) by creating a Tribal Action Plan. It is our intent to use CTAS Funds to coordinate the efforts of the Healthy Community Action Team, the Tribal Action Planning process, and the recommendations of the State of Emergency Assessment to improve the LDF Tribal Justice System.