WISCONSIN DEPARTMENT OF TRANSPORTATION

IMPROVING CRASH REPORTING ON WISCONSIN INDIAN RESERVATIONS

PHASE 1: REVIEW OF CRASH REPORTING PROCEDURES

FINAL REPORT

OPUS

WISCONSIN DEPARTMENT OF TRANSPORTATION

IMPROVING CRASH REPORTING ON WISCONSIN INDIAN RESERVATIONS PHASE 1: REVIEW OF CRASH REPORTING PROCEDURES

Opus International Consultants Inc.

Prepared by:

Cynthia Redinger, PE, PTOE
Senior Transportation Engineer

Michael Woods, MUP
Transportation Planner

Jeffrey S. Bagdade, PE
Vice President & Partner

Nicole Bowman
President/Owner BPC

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1.0   INTRODUCTION

The Wisconsin Department of Transportation (WisDOT) has a strong interest in improving transportation safety on tribal roadways throughout the state.   To make appropriate investments in safety improvements, successful applications for safety funds from the Bureau of Indian Affairs (BIA), the Federal Highway Administration (FHWA) and the National Highway Traffic Safety Administration (NHTSA) are imperative.   To achieve a high success rate for obtaining these various safety funds, problem areas must be well documented with timely and accurately reported crash data.

To better understand how crash reporting is conducted within tribal communities within Wisconsin, WisDOT retained Opus International Consultants to evaluate crash reporting procedures for incidents occurring on tribal lands. The project includes two phases. The first phase evaluates and presents the crash reporting study methodology, interview results, significant findings, and recommendations for improving the crash reporting process for Wisconsin's Indian Tribes. The second phase of the project, which will be submitted at a later date, will include documentation and analysis of the crash data for each tribal area and recommendations for common safety countermeasures for prevalent crash patterns identified in that analysis.

1.1   Background

Currently, the fatality rate among Native Americans in the state of Wisconsin is approximately twice as high as the rate for others in the state. TABLE 1.1 illustrates that the approximate population of Native Americans, as a percentage of total population, stands at one percent.   However, the fatality rate for Native Americans has been calculated at approximately two percent of all fatal collisions.   The review of these statistics has raised questions as to whether significant road safety concerns are prevalent on tribal lands and are going unrecognized as a result of the under reporting of crashes.

TABLE 1.1 Vehicle Fatality Statistics for the State of Wisconsin

Year	Native American	White	Other	Total	Percent Native American
2008	11	552	42	605	1.82%
2007	16	672	68	756	2.12%
2006	16	654	54	724	2.21%
2005	22	746	47	815	2.70%
2004	15	719	58	792	1.89%
Total 5 Years	**80**	**3343**	**269**	**3692**	**2.17%**

SOURCE: NHTSA

1.2 Study Objectives

The primary objective of the study was to collect and evaluate information pertaining to how enforcement agencies, report and processes traffic crashes that occur on tribal lands This study included both tribal police departments and county Sheriff's departments and documented the jurisdictional responsibilities for reporting traffic crashes on each reservation. Finally it documents the collaboration between various agencies involved in reporting traffic crashes on tribal lands.

Interviews were scheduled and conducted with various organizations involved in the process. Our evaluation team developed a questionnaire that was used in each interview with law enforcement, government, and tribal officials to maintain consistency in what information was discussed with each agency. The purpose of this questionnaire was to gain a full understanding of the crash reporting process that is currently being used on tribal lands. The study team wanted to understand the specific steps taken in the crash reporting process, from the time the crash was called into dispatch to how and when each report was submitted to the state, if applicable. The target interviewees were law enforcement officials who were well versed in the crash reporting process and staff members from other agencies who utilize the crash report information.

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Understanding how each agency handles crash reporting helps determine if and to what extent crashes may be under reported, over reported, or inaccurately reported. During the interviews the team also discussed current barriers or issues each agency experiences that impact the accurate and timely reporting of crashes.

1.3   Study Location

The locations for our study centered on all eleven federally recognized tribes located in Wisconsin, as well as the corresponding counties that share a boundary with these tribal lands. FIGURE 1.1 illustrates the contiguous tribal lands and adjacent counties with some enforcement jurisdiction over tribal lands contacted through this study. The Ho-Chunk and Potawatomi nations are not shown on the map due to their non-contiguous tribal lands.
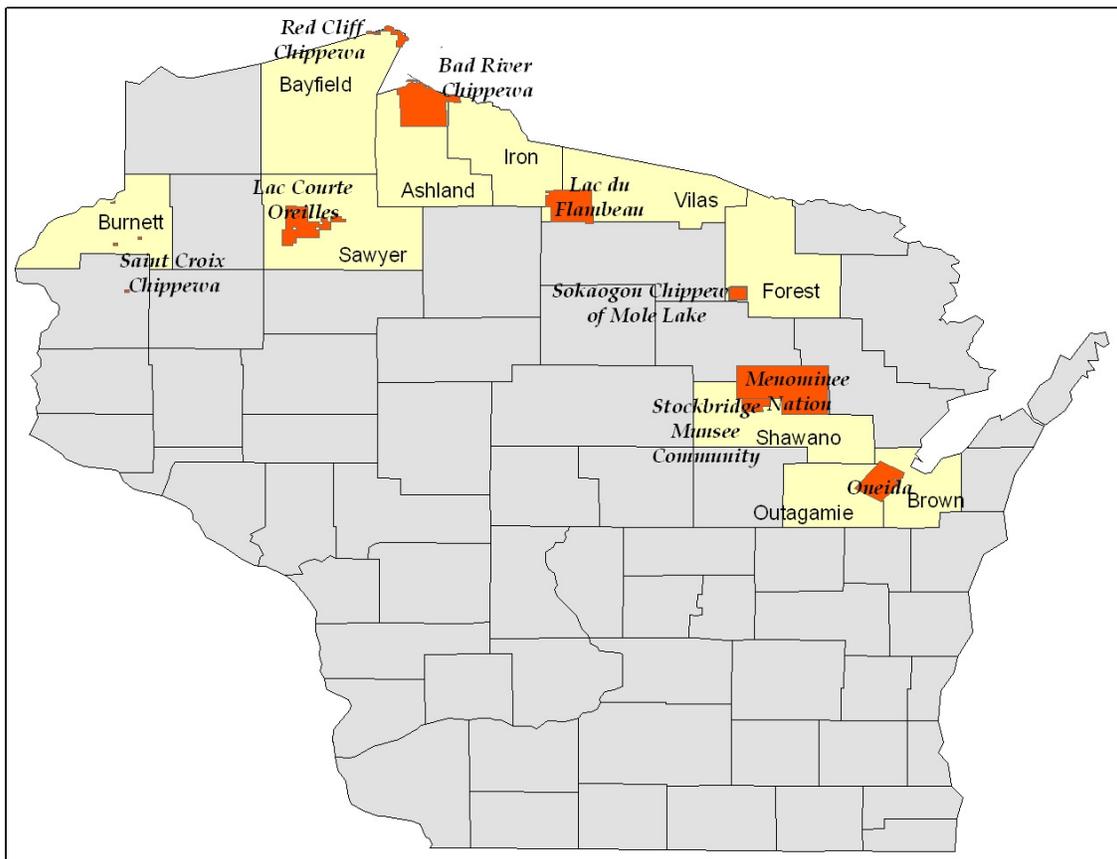

FIGURE 1.1 Locations of Tribal Lands and Adjacent Counties

1.4   Methodology

To achieve the study objectives, the following tasks were completed:

- Stakeholder meetings were conducted with all tribal law enforcement agencies. It was determined that of the eleven federally recognized Wisconsin tribes, eight had their own law enforcement agency responsible for crash reporting.

- Stakeholder meetings were conducted with ten county sheriff departments having tribal lands geographically located within their respective county boundaries.

- Phone conversations were held with the WisDOT tribal liaisons for those regions with reservations located in them to discuss any existing issues or recommended future solutions.

- A meeting was held with the Bureau of Indian Affairs (BIA) to discuss the current perception of crash reporting efforts on tribal lands.

- During the stakeholder meetings with tribal law enforcement officials and county sheriff department staff, the following key questions were posed and subsequently discussed with the personnel:

  - Which agency, tribal or county, has jurisdiction over crashes on tribal lands?

  - What crash reporting system or report is currently being used?

  - How is the crash report processed from beginning to end?

  - Are crash locations plotted either manually or electronically?

  - Does the agency currently work with other agencies to identify problem areas?

  - Is formal crash reporting training available to officers?

  - Does there exist any fear of double jeopardy or privacy concerns by tribal members involved in crashes.

In addition to the above listed key questions, other questions were raised and discussed with agency officials to ensure a thorough understanding of the complete crash reporting process currently used by the agency. A copy of the full questionnaire is located in APPENDIX A. Anticipated future efforts by the agency in regards to updating their crash reporting system or process were also discussed.

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2.0 ENFORCEMENT AGENCY INTERVIEW RESULTS2.0
2.0   INTERVIEW RESULTS

As a result of the stakeholder meetings, several questions pertaining to the crash reporting process were answered by the police departments. Concerns raised in these meetings included:

- Who is the responding agency for crash incidents,

- deputization of tribal police,

- format of the report that is used,

- geographic plotting of crashes,

- and privacy concerns among the tribal members.

2.1   Police Jurisdiction / Responding Agency

Table 2.1 provides a summary of the process by which collision response is dispatched to the enforcement agencies.

The study team discovered that some tribal police officers are cross-deputized by the county in which the tribe is located, giving the tribal police officers the ability to aid the county sheriff department over the entire county, not just on tribal lands. Liability concerns from the counties and sovereignty concerns from the tribes were the main reasons why several tribal police departments were not cross-deputized.

TABLE 2.2 provides a summary of the tribal police agencies currently deputized by the adjacent sheriff's department.

TABLE 2.1 TRIBAL PROCESSES

Tribe	Police Jurisdiction	Responding Agency
Bad River Band of Lake Superior Chippewa	▲	Tribe if available
Forest County Potawatomi	⬤	Local/County
Ho-Chunk Nation	⬤	Local/County
Lac Courte Oreilles Band of Ojibwe	▲	Tribe if available
Lac du Flambeau Band of Lake Superior Chippewa	▲	Tribe only
Menominee Indian Tribe	★	Tribe if available
Oneida Nation of Wisconsin	▲	Tribe if available
Red Cliff Band of Lake Superior Chippewa	▲	Tribe if available
St. Croix Chippewa Indians of Wisconsin	▲	Tribe if available
Stockbridge Munsee Community	▲	Tribe if available
Sokaogon Chippewa of Mole Lake	⬤	County

▲ Tribal police agencies respond to crashes located within the reservation boundaries. If the tribe does not have available officers at the time of dispatch, county officers will respond to, and handle, the crash reporting.

★ Both the tribal and county police officers will respond to a crash on the reservation. Whether the participants of the collision are tribal members or non-tribal members dictate which agency handles the crash reporting. If a tribal member is part of the collision, the tribal police department will handle the reporting. Non-tribal citizens are handled by the county officer.

⬤ Relies solely on the County for crash reporting.

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TABLE 2.2 CROSS-DEPUTIZATION

Tribe	Interviewee	Deputized
Bad River Band of Lake Superior Chippewa	Chief Joe Szwarek	N
Lac Courte Oreilles Band of Ojibwe	Chief Louis Gouge Jr.	Y
Lac du Flambeau Band of Lake Superior Chippewa	Chief Robert Brundenburg	N
Menominee Nation	Warren Warrington	N
Oneida Nation of Wisconsin	Chief Rich Van Boxtel	Y
Red Cliff Band of Lake Superior Chippewa	Chief Charlie Brissette	N
Stockbridge Munsee Community	Michael Micik	Y
St. Croix Chippewa Indians of Wisconsin	Jennifer Brugman	Y

2.2   Crash Reporting Systems

The predominant format used by the tribal police departments and county sheriff departments was the standard Wisconsin report form in its paper form, the MV4000, or through electronic submitting, Badger TraCS. The MV4000 crash report form and Badger TraCS software are compliant with the National Highway Traffic Safety Administration's (NHTSA) Model Minimum Uniform Crash Criteria (MMUCC). The only exception was the Menominee Indian Tribe.

Menominee Tribal Police Department utilizes the MV4000 to report all collisions resulting in a fatality; however, they utilize Cisco software to report all non-fatal collisions. Review of the crash reports produced by this system found that the data was not compliant with MMUCC standards.   Furthermore, an analysis of the reports found the many crashes were not able to accurately located. Inaccurate location restricts the Menominee Nation from identifying high crash locations and limits their ability to apply for traffic safety funding from WisDOT and BIA.

For agencies using the MV4000 form for all crashes, the officers mostly use the paper forms. Several county agencies are already using or are beginning to use the Badger TraCS electronic reporting system. For agencies using the Badger TraCS system, the reports are submitted electronically.   The reporting officer usually has the option of completing the crash report in the field or at their desk using either a paper or electronic form (if available) illustrated in TABLE 2.3.

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TABLE 2.3 Reporting Formats

Agency	System	Car Laptops	Format
Bad River Band of Lake Superior Chippewa	MV4000	N	Manual
Lac du Flambeau Band of Lake Superior Chippewa	MV4000	N	Manual
Lac Courte Oreilles Band of Ojibwa	MV4000	N	Manual
Menominee Nation	Cisco	N	Manual
Oneida Tribe of Indians of Wisconsin	MV4000	N	Manual
Red Cliff Band of Lake Superior Chippewa	MV4000	N	Manual
St. Croix Chippewa Indians of Wisconsin	Badger TraCS	Y	Electronic
Stockbridge Munsee Community	Badger TraCS MV4000	Y	Electronic Manual
Ashland County	MV4000	Y	Manual
Bayfield County	MV4000	Y	Manual
Brown County	Badger TraCS MV4000	Y	Electronic Manual
Burnett County	Badger TraCS MV4000	Y	Electronic Manual
Forest County	MV4000	N	Manual
Menominee County	MV4000	N	Manual
Outagamie County	Badger TraCS	Y	Electronic
Sawyer County	Badger TraCS MV4000	Y	Electronic Manual
Shawano County	MV4000	Y	Manual
Vilas County	Na	Na	Na

2.3   Crash Report Processing

After conducting all of the stakeholder meetings, a fairly consistent process for crash reporting emerged.   Each of the agencies follows a similar path that is illustrated in FIGURE 2.1.
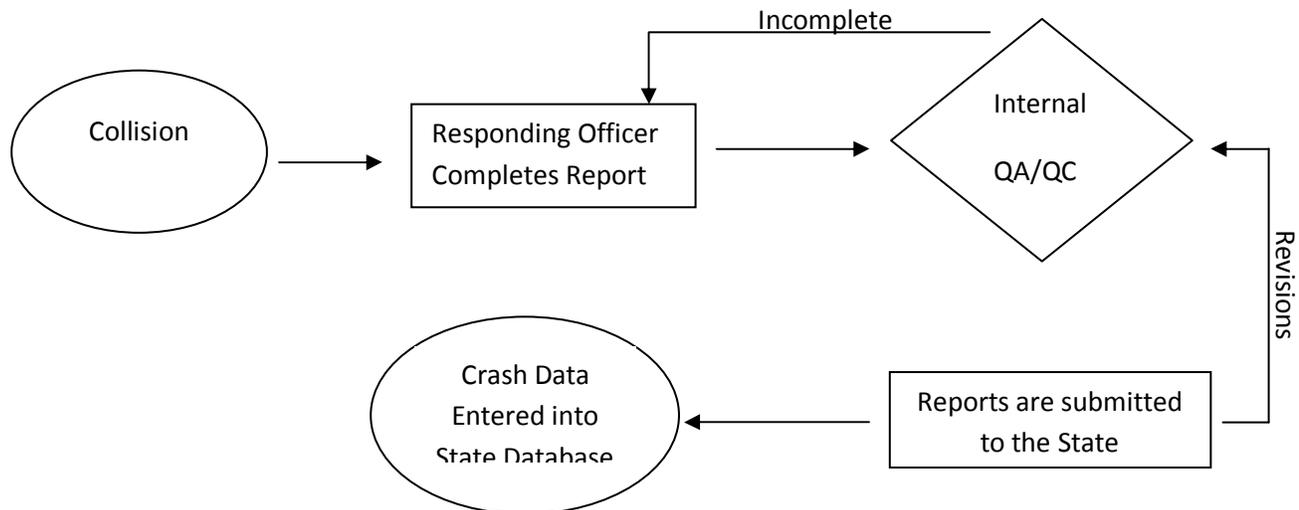
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FIGURE 2.1 Crash Report Process

Upon completion of the crash report, in most cases, it is then submitted to the state for processing.   Quality Assurance/Quality Control (QA/QC) methods vary by agency; however they were all consistent in being reviewed either by an administrative professional, another officer, or upper management. Upon completion of the review, the report is submitted to WisDOT.   Currently, all agencies with the exception of the Menominee Tribal Police, submit crash reports to the state per state requirements. According to all agencies, they comply with the state regulation of the report being submitted within ten days of the crash.   Overall, the reporting process for all of the agencies seemed to be thorough and timely with adequate oversight for quality.

2.4   Network Screening

Conducting road safety network screenings is critical in the process of identifying trends in crash data.   Effectively identifying trends and high crash locations are necessary for agencies to secure safety funding to address safety issues. Questions were asked during the stakeholder meetings related to the plotting of crashes and process of conducting network screenings to identify high crash areas.   These questions were developed to better understand each agency's process for tracking crashes and identifying high crash locations.

Geographic plotting of crash data can facilitate the identification of locations with significant crash patterns. For example, if there is a cluster of crashes in a particular area,

the user may look at the crash reports that are represented by each point and determine the underlying safety issue associated with each crash. Crash plotting varied from agency to agency ranging from no plotting of any kind to using an electronic form of plotting crashes such as Geographic Information Systems (GIS). Some agencies used a manual system for plotting crashes by using a board with push pins. The following spreadsheet outlines the findings for crash plotting.

TABLE 2.4 CRASHES PLOTTED

Agency	Crashes Plotted
Bad River Band of Lake Superior Chippewa	Y (GPS)
Lac Courte Oreilles Band of Ojibwe	Y (Lac Courte Oreilles Community College)
Lac du Flambeau Band of Lake Superior Chippewa	N*
Menominee Indian Tribe	N*
Oneida Nation of Wisconsin	N
Red Cliff Band of Lake Superior Chippewa	N
Sokaogon Chippewa of Mole Lake	N*
St. Croix Chippewa Indians of Wisconsin	N
Stockbridge Munsee Community	N
Ashland County	N
Bayfield County	Y (Manual)
Brown County	Y (Manual)
Burnett County	N
Forest County	N
Menominee County	N
Outagamie County	N
Sawyer County	Y (Manual)
Shawano County	Y (Manual)
Vilas County	N

 *denotes that crashes have been plotted on GIS maps as part of Road Safety Audits.

Several of the agencies that were interviewed are plotting their crashes manually. This usually involves a large map of the jurisdiction where push-pins delineate the location of crashes. When asked whether or not the agency will move to using Global Positioning Systems (GPS) and GIS systems to plot their crashes in the future, most responded that currently, there is not enough funding in their budget for this endeavor. The Lac Courte Oreilles crashes are plotted in GIS by a member of the local community college and the Bad River Tribe records their crash locations utilizing a GPS system installed in their

squad cars, although, the coordinates have yet to be transferred into a GIS.   During Phase 2 of this project, GIS crash maps will be developed for all of the tribes on the basis of 2004-2008 crash data.

Most of the tribal and county police forces reported that they currently work together with road and local authorities to identify and evaluate areas that experience identified during the network screening.   Many agencies are part of their County Highway Safety Committees that meet periodically to discuss safety issues that need to be looked at in more depth.

2.5   Formal Training

Accurate completion of the crash report form is crucial for accurate crash data to be collected.   Crash data is used in the identification of safety issues and justification of various safety fund applications from WisDOT and BIA.   From the agency interviews, it appears that the majority of police officers responsible for completing the crash reports complete report writing training in the police academy.   Most agencies did not have formal training for crash report writing. Overall, none of the agencies cited lack of training as a detriment to the crash reporting process or accuracy of the reports.   All agencies felt that their officers were adequately trained to finish the reports on time and accurately.   The following table lists the agencies that provided additional training.

TABLE 2.5 CRASH REPORTING TRAINING

Agency	Formal In-House Training
Bad River Band of Lake Superior Chippewa	N
Lac Courte Oreilles Band of Ojibwe	N
Lac du Flambeau Band of Lake Superior Chippewa	N
Menominee Indian Tribe	Y
Oneida Tribe of Indians of Wisconsin	Y
Red Cliff Band of Lake Superior Chippewa	N
Stockbridge Munsee Community	Y
St. Croix Chippewa Indians of Wisconsin	N
Ashland County	N
Bayfield County	N
Brown County	N
Burnett County	Y
Forest County	Y
Menominee County	N
Outagamie County	Y
Sawyer County	N
Shawano County	Y
Vilas County	N/A

In developing questions for the stakeholders meeting, the team reviewed other studies of this nature that have been conducted in other states. One potential area of contention in crash reporting on the reservations was the idea that tribal members may be sensitive to their personal information being forwarded to state departments and used in ways other than for crash reporting data. In addition to privacy concerns, a possible threat of double jeopardy could also be prevalent in tribal members who fear they could face fines and/or penalties from the tribal government in addition to the state government. Questions were asked of all the agencies pertaining to the fear of double jeopardy and/or privacy concerns. In addition, questions were asked of all of the agencies as to if different procedures were used for tribal versus non-tribal members.

The team determined that the police departments utilize crash was reported or handled when those involved in a collision were tribal members, with the exception of the Menominee Nation. All agencies except the Menominee Nation, responded that they have not heard of any fear from tribal members pertaining to double jeopardy or privacy and all those involved in the collisions were treated the same regardless of whether or not they are a tribal member.

2.6   Other Tribal Processes

Sokaogon Chippewa of Mole Lake, Forest County Potawatomi and Ho-Chunk Nation were the only tribes interviewed that did not have a tribal police department. Sokaogon Chippewa of Mole Lake and the Forest County Potawatomi are located within Forest County. Both of these tribes rely exclusively on the County Sheriff's Department for crash reporting. The Ho-Chunk Nation is spread throughout thirteen counties, and also relies on local law enforcement for crashes occurring on their tribal land. Although we did not interview every county that the Ho-Chunk is located within, we are operating under the assumption that each county follows the same crash reporting process as the other counties we interviewed for this study.

Menominee County contains two law enforcement agencies, the Menominee County Sheriff Department and the Menominee Nation Tribal Police Department. Unlike other tribes included in this study, the Menominee Tribal Police does not operate under Public Law (PL) 280. As a result, they have sovereign tribal courts, a justice system, and are not required to follow the same crash reporting procedures as other tribes that operate under PL 280.

When a crash occurs in Menominee County, the Menominee Tribal Police Department conducts the investigation and writes the report for any tribal members involved in the collision. Menominee County Sheriff's Department investigates a collision and writes the crash report for non-tribal members involved in a traffic incident. Due to this arrangement, information regarding tribal members that were involved in the crash is handled by the Menominee Tribal Police Department. This arrangement keeps private information of tribal members from being forwarded to the state. Menominee County Sheriff's Department reported that there is a concern from tribal members that information from their crash data could be used against the tribe and this is a reason for not wanting to share this information with the State. There is also a concern that traffic crashes could be double counted as separate crash reports were completed for tribal and non-tribal members.

3.0   SIGNIFICANT FINDINGS

After compiling all of the data from the stakeholder meetings a few significant common themes emerged from the results. Overall, from the stakeholder's point of view, the crash reporting process seems to be working efficiently with accurate reporting of the crashes when they occur. None of the agencies appeared to have any significant gaps or issues with their respective process other than wanting to have more funding to incorporate some of the new methods and procedures, such as Badger TraCS, GIS, GPS, etc. Even with the limited budgets and obstacles to upgrading to some of these items, all of the agencies believed their system was producing adequate reporting of the crashes.

Excluding the Menominee Nation Tribal Police Department, all other agencies appear to be reporting their crashes to the state as required per the Public Law 280 agreement. In the Menominee Nation case, they have a separate agreement with the WisDOT regional office staff to report their crash data directly to them for use in the identification of safety issues.   This agreement between the Menominee Nation and WisDOT is renewed annually.

All police departments appear to take crash reporting seriously and are actively working to address problem areas in each of their own way depending on the relationship they have with the surrounding transportation agencies.

4.0 NEXT STEPS

As a result of our stakeholder meetings and the results that we have obtained, the team has developed the following next steps for future analysis into the crash reporting process by the tribal governments. These steps are being completed as part of Phase 2 of this study.

1. Additional stakeholder consultations should be held to gain other perspectives on the existing crash reporting procedures and the efficiency of the system. Gaining the view point of other state agencies toward the existing efficiency and completeness of the crash reporting will provide valuable insight into any possible issues. The following state agencies should be considered:

   a. Bureau of Highway Operations (BHO)

   b. Department of Motor Vehicles (DMV)

      c. The Bureau of Transportation Safety (BOTS)

      d. Wisconsin Department of Transportation (WisDOT)

2. Further analysis of the actual crash data for each of the tribes should be performed to validate that all crashes are being reported accurately and timely. By collecting the crash data from the tribes and reviewing the information, a judgment can be made whether all of the crashes occurring on the reservation are making it to the state system for accurate analysis of problem areas.

3. An implementation plan should be completed to include all final recommendations of the study that are a result of the completed analysis on crash data reporting on Indian Reservations.

Appendix A

Crash Data Questionnaire

1. Who has police jurisdiction over tribal lands?

2. When a crash happens on tribal land, what agency responds to the crash?

3. Which agency gets dispatched to the crash?

4. What happens when the person involved in the crash is a tribal member? Non-member?

5. What do you in case of deer crashes?

6. Is there a minimum crash reporting threshold?

7. How is crash location determined?

8. Who is responsible for reporting the crash, filling out crash report?

9. What form of crash report does the reporting agency use? Electronic? Manual?

    a. If electronic, which software is used? Is it compatible with WisDOT software? Is it compatible with the MV4000 reporting processes?

        i. Is the report completely filled out or are some parts left out?

        ii. Does the officer have a laptop in car or is report completed later?

    b. If manual, what reports are used? MV4000?

10. How is the data processed? What is the chain of events from the time of a crash to when the data is submitted?

11. Is the data submitted to a higher agency? County, State, etc.?

A-2

12. Is there an agreement in place between agencies for crash data reporting?

13. What is the information sharing relationship with DOT?

14. After the crash data report is submitted, does the reporting agency ever see the data again?

15. Does your agency plot the crashes to keep track of the data?

16. Do you work with County, DOT, etc. to evaluate problem areas? How do you ID the areas?

17. What issues/barriers do you see in the crash data reporting process? Training Issues? Software Issues? Staffing Issues?

18. What is the turnaround time from the time of the crash to when the report is filed?

19. Is there formal training available for officers filling out the crash reports?

20. Is there any fear of double jeopardy for tribal members?

21. Are there privacy concerns with regards to information in the crash report?

22. Where and how long are reports kept? Who has access to the reports?

23. If a problem area is called in, how do you address this area? How do you get the data?

- Road Safety Engineering

- Transportation Planning

- Traffic Operations

- Transit and Sustainability

- Community and School Safety

- Asset Management