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Moderator: Dennis Stoika

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Operator: Good day and welcome to the President's Commission on Law Enforcement and the Administration of Justice conference call. Today's conference is being recorded. At this time I would like to turn the conference over to Director, Phil Keith. Please go ahead sir.

Phil Keith: Thank you Connor. Good afternoon, and thank you for joining us today. I call the President's Commission on Law Enforcement and Administration of Justice to order. On behalf of Attorney General Barr we thank you for joining us today for this important Commission teleconferencing meeting. And I hope everyone had an enjoyable Memorial Day and, like you, this is a very special day for me in my lifetime and my father where we take time out to honor those men and women who served in our armed services for the freedom of this great country.

Today our panelists will focus their testimony on the challenges and the issues of Native American Communities. Their experiences are deep with knowledge of historical and current issues of what is needed to improve the public safety in Indian country. At this time I'll ask our Executive Director, Dean Kueter to conduct a roll call of Commissioners.

Dean Kueter: Thank you Mr. Chairman. And before I call the roll I'd like to remind everybody that today's event is open to the media. And for any members of the media on the call, if you have any questions or need clarification on anything please contact Kristina Mastropasqua in the DOJ Office of Public Affairs. And with that I will begin the roll. Commissioner Bowdich, Commissioner Clemmons.

James Clemmons: Present.

Dean Kueter: Commissioner Evans, Commissioner Frazier, Commissioner Gualtieri.

Robert Gualtieri: I'm here.

Dean Kueter: Commissioner Hawkins.

Gina Hawkins: Present. Thank you.

Dean Kueter: Commissioner Lombardo.

Female: Joining momentarily.

Dean Kueter: Commissioner MacDonald.

Erica MacDonald: Good afternoon. Present.

Dean Kueter: Commissioner Moody.

Ashley Moody: I'm here, thank you.

Dean Kueter: Commissioner Parr.

Nancy Parr: I'm here.

Dean Kueter: Commissioner Price.

Craig Price: Good afternoon. I'm here.

Dean Kueter: Commissioner Ramsay.

Gordon Ramsay: Here.

Dean Kueter: Commissioner Rausch.

David Rausch: I'm here.

Dean Kueter: Commissioner Samaniego.

John Samaniego: I'm here.

Dean Kueter: Commissioner Smallwood.

James Smallwood: I'm here.

Dean Kueter: Vice Chair Sullivan.

Katharine Sullivan: Here, thank you.

Dean Kueter: And Commissioner Washington. Mr. Chairman, that completes the roll call.

Phil Keith: Thank you Dean. Are there any other announcements today?

Dean Kueter: No sir, we are good to go.

Phil Keith: Thank you. All Commissioners should have the bios and testimonies for this panel. As a reminder, we'll be posting all of these materials on the Law Enforcement Commission website. I

again want to acknowledge the work of all the Commissioners, working group members, witnesses, and certainly the federal staff toward meeting goals of this historic Commission. On behalf of Attorney General Barr, we thank each of you.

As noted on previous calls, we encourage Commissioners to take notes during the testimony of the panelists. And we'll then open the – for questions from the Commissioners after the last witness. This is our final hearing on Indian country issues and we look forward to the testimony of our panelists today.

Our first panelist today is Mr. Kurt Alme. He's the United States Attorney for the District of Montana. U.S. Attorney Alme is a Montana native. He has had a distinguished legal career including clerking for the U.S. District – for a U.S. District Court Judge and serving as President and General Counsel of the Yellowstone Boys and Girls Ranch Foundation. He previously served as Assistant U.S. Attorney and also as a First Assistant U.S. Attorney.

I've had the privilege of working with Mr. Alme on a variety of issues including the concerns of rural and tribal law enforcement. He's uniquely qualified and we thank you for joining us today. And Mr. Alme you're recognized.

Kurt Alme: Chairman Keith, Vice-Chair Sullivan, members of the Commission, thank you for the opportunity to testify today. It's been invigorating to serve on this Rural and Tribal Law Enforcement Working Group with members who are very experienced in these issues. And today it's truly an honor to be able to present to you and to do so with such knowledgeable panelists.

Montana has 11 principal tribal groups living on seven federally recognized reservations and one recently federally recognized tribe. The reservations include over 8.3 million acres, which is about the size of Massachusetts and Connecticut combined. As the U.S. Attorney for Montana, I have the pleasure of working with our Tribal governments on public safety issues, and with their

partnership and that of our federal law enforcement colleagues, we've made good progress summarized in my written testimony.

I also serve as the Vice Chair of the Native American Issue Sub-Committee of the Attorney General's Advisory Counsel. Last week you heard from three other U.S. Attorneys who are also members. They outlined many important public safety challenges and opportunities facing American Indian and Alaska Native Communities. Today I want to highlight three of the most critical.

The first is a need for more law enforcement officers on the ground in Indian country. In many parts of Indian country violent crime rates are high. According to the FBI's Uniform Crime Reports, the 28 violent crime rate in Billings, Montana's largest city, was 5.42 per thousand people. However, among Indian persons on the nearby Crow Reservation, the rate was estimated to be 8.96 and that's only slightly below the rate in D.C. which is 9.96. Adjacent to the Crow Reservation, the rate among Indian persons on the Northern Cheyenne Reservation is estimated to be 18.76.

Meanwhile both BIA direct service and many BIA tribally contracted law enforcement programs are understaffed. In its 2017 Report Congress, BIA reported that in 2015 to get both BIA direct service and tribally contracted law enforcement programs funded at a level of just 2.8 officers per thousand would cost \$566 million. The amount actually expended that year was only \$199 million. Both because the amount appropriated was less than the \$566 million and because BIA and some tribal law enforcement agencies struggled to recruit and retain officers.

BIA and tribal law enforcement supervisors and officers are working hard to ensure public safety. But those officer shortages can have negative impacts including delays in responding for calls for service and back up, delays in investigating cases, and requiring officers to work long hours leading to fatigue, burnout, and fewer opportunities for training.

The second issue I want to highlight is a need for comprehensive plans to reduce substance abuse. According to DEA's 2019 National Direct Threat Assessment, meth and marijuana are the drugs most widely used by American Indians. But prescription drug and heroin use have increased in many areas. According to SAMHSA's 2018 National Survey and Drug Use and Health, American Indian and Alaska Native adults use meth three to four times the rate of the overall U.S. population. A 2006 report by the National Congress of American Indians noted that meth in Native American communities causes dramatic increases in violent crime, suicide, and child neglect.

Many tribal communities, like all communities across the U.S. with substance abuse issues, need comprehensive action plans to reduce the supply of drugs through enhanced enforcement and to reduce the demand for drugs through effective prevention and treatment. There are some structures that are helping improve drug enforcement in Indian country. They include Wisconsin's award winning Native American Drug and Gang Initiative Task Force, which has shown that when reservations have sufficient local law enforcement, a task force composed of officers from each reservation can effectively disrupt drug supply.

FBI's Safe Trails task forces have also proven to be very effective, accounting for approximately 40% of all arrests by the FBI in Indian country in 2017. There are however only 20 Safe Trails task forces. BIA drug enforcement agents are vital to local investigations providing critical coordination between local law enforcement and other federal drug agents. However for all of Indian country BIA only has 48 agent positions – not all of which are always filled.

DEA is providing intelligence to local and federal law enforcement conducting some investigations and providing Task Force Officer status to local law enforcement officers in Montana to help provide enforcement in Indian country. However nationally DEA has no agents specifically designated for Indian country. To make these organizational structures work, Indian country needs adequate BIA, Tribal, FBI, and DEA staffing. And rural and tribal law enforcement entities need sufficient COPS

funds. I want to compliment Chairman Keith for coming to Montana last year to meet with our rural and tribal sheriffs and chiefs to promote the COPS Hiring Program.

Enforcement is important but it's not enough. Tribal communities also need plans to reduce demand. After two years of hard work, we're implementing a comprehensive community action plan in Billings which has a significant Native American community to reduce meth-related violence by integrating enforcement, prevention, and treatment.

The Departments of Justice, Interior, and HHS provide a structure for Tribal governments to create these type of plans. They're called Tribal Action Plans. The plans lay out what needs to be done and also identify resources of the three Federal Departments that can help. Unfortunately, after 32 tribes took advantage of this program in 2017 and 2018, none did in 2019. We need to continue to get the word out.

The third issue is missing and murdered indigenous women. In 2016 NIJ reported that over 55% of American Indian and Alaska Native women have experienced sexual violence and physical violence by an intimate partner in their lifetimes. The CDC also reported in 2017 that these women experience one of the highest rates of homicide based on an analysis of 18 states. In response to this problem, President Trump took the lead last November by signing an Executive Order forming a Presidential Task Force on Missing and Murdered American Indian and Alaskan Natives. The Task Force is consulting with Tribal governments, developing protocols for new and unsolved cases, reviewing cold cases, and clarifying roles throughout the life cycle of cases.

Last November, Attorney General Barr lodged the Missing and Murdered Indigenous Persons Initiative in support of the President's Task Force. It places MMIP coordinators in 18 U.S. Attorney's Offices to develop protocols for more coordinated responses to missing and murdered cases. The coordinators were funded by the Office of Justice Programs under the leadership of Commissioner Sullivan who also chairs the White House Task Force – co-chairs the White House Task Force.

The initiative also calls for expanded use of specialized FBI rapid deployment teams. The importance of those teams was demonstrated in January when Montana's coordinators assisted a local sheriff's request for an FBI Child Abduction Response Team. That team helped locate the body of Selina Not Afraid who had gone missing on New Year's Day.

The framework to address the MMIP tragedy has been laid out by the President and Attorney General Barr. Now it's important for our American Indian and Alaska Native neighbors to have the chance to share their perspectives on both the problem and solutions. Having those perspectives will help us all work together nationally and in tribal communities across the country to create community plans to find the missing, to bring justice to those who are murdered, and to identify and address the underlying causes.

Thank you all again for your work on this Commission and your willingness to labor to improve public safety in Indian country.

Phil Keith: Thank you Mr. Alme for your service to our country, certainly the work you've done for this Commission, and for your valued testimony today.

Our next distinguished panelist is Mr. Kevin Allis. He's the Chief Executive Officer for the National Congress of American Indians. Mr. Allis joined the National Congress of American Indians in June of last year. Mr. Allis had previous roles including Executive Director of the Native American Contractors Association, and the Board Chairman of the Potawatomi Business Development Corporation and founder of Thunderbird Strategies. Excuse me - Mr. Allis is also an attorney and a former law enforcement officer who served the Baltimore Police Department for eight years. Thank you Mr. Allis for joining us today. You're recognized.

Kevin Allis: Thank you Mr. Chairman. I'm very pleased to be here on behalf of the National Congress of American Indians to offer this testimony on this really important topic. NCAI is the nation's oldest and largest organization of American Indian and Alaska Native Tribal governments. We're organized as an organized as a representative Congress of Tribal Nations and provide a forum for Tribal governments to come together and develop consensus policy positions on issues important to them and certainly this is one of them.

As mentioned I am citizen of the Forrest County Potawatomi Community in Wisconsin and also a former Baltimore City police officer for eight years which probably – is comparable to 20+ years anywhere else.

In my testimony today I'll provide a little – a brief overview of the public safety challenges the Tribal Nations experience across the country. And of course I look forward to questions at the end.

The ability of of any nation to enact and enforce and interpret its own laws is one of the most fundamental aspects of sovereignty. Tribal governments – like all governments – have an obligation to their citizens and others on tribal lands to insure public safety. And as the local government closest to the community, they are in the best position to do so. But they're hamstrung in this area by structural impediments created by Federal law and chronic underfunding. Throughout Indian country there are numerous tribal police departments and tribal judicial systems working to keep our communities safe. More than 200 tribal police departments ranging from very small departments with only two officers to those with more than 200 officers, help to maintain public safety on over 50 million acres of tribal lands within 34 states. Tribal law enforcements are usually the first responders to a crime scene on tribal lands. Too often however they're responding without back up -- unimaginable in my background – and without the equipment that other departments take for granted.

Indian country public safety has been chronically underfunded at all levels of police: investigation, prosecution, courts, victim's services, detention, and rehabilitation. Most reservation communities only have two to three officers charged with patrolling, in some cases an area the size of Delaware. Currently base funding for law enforcement is provided through the BIA and it's entirely inadequate. The BIA submits an annual report to Congress estimating the need for funding for tribal law enforcement, for courts, for tribal detention centers. The BIA estimates that to provide a reasonable – just a reasonable – base level of funding to all federally recognized tribes \$1 billion is needed for tribal law enforcement, \$1 billion is needed for tribal courts, and \$222 million is needed for detention. Based on recent appropriation levels, BIA is generally funding tribal law enforcement at about 20% of estimated need, tribal detention at about 40% of estimated need, and tribal courts at 6% of estimated need.

Additional funding is provided through the DOJ under a series of competitive grant programs. In order to obtain this funding, tribes often must compete against each other under the priorities and guidelines set by the administering agency. These proposals are then peer reviewed by individuals who may or may not have experience with Indian tribes and tribal judicial systems. In the end the tribes that have the financial and human resources to employ experienced grant writers end up receiving funding while the under resourced tribes may be left without. Tribes cannot count on funding continuing beyond the current grant period. And Indian country has countless stories of successful programs disappearing at the end of a two- or three-year grant cycle. Short-term discretionary grants are a particularly poor fit for supporting career law enforcement positions. Tribes spend months recruiting, background checking, and training DOJ-funded officers only to have the positions eliminated a few years later when the grants expire.

Tribal nations have been asking reforms to the DOJ grant-making process for years to reduce administrative inefficiencies, improve program effectiveness, and increase the ability of tribal nations to leverage available BIA and DOJ funding to best address the comprehensive public safety and justice needs in their communities.

We have been very pleased to see the Department's recent transition to formula funding for Tribal Crime Victim Services funding and we very much appreciate the increased funding the President has requested for tribal programs at DOJ each year. We hope that moving forward DOJ will adopt a formula funding model for all of its tribal funding.

Law enforcement in Indian country results in uniquely challenging because of the complicated jurisdictional framework that applies in tribal lands. The rules of jurisdiction that apply in tribal lands were created over 200 years of Congressional legislation and Supreme Court decision-making and are often referred to as a jurisdictional maze. It's nuts. Each criminal investigation involves a cumbersome procedure to establish who has jurisdiction over the case. The first law enforcement officer called to the scene may initiate investigations and/or detain suspects. Then the decision has to be made based on Indian/non-Indian status of the individuals involved in the crime, the type of crime committed, the legal status of the land where the crime occurred, and the applicability of various federal statutes whether the crime falls under state, tribal, or federal jurisdiction. In many cases jurisdiction may even be shared. Complexities around this jurisdiction can result in multiple rounds of investigation which lead to a failure to act.

Local, state, and federal law enforcement agencies are often reluctant to rely on tribal police investigations, they're confused by the complicated jurisdictional rules, or simply have the lack of resources to devote to investigations in Indian country. And many cases go unprosecuted. Overall law enforcement in Indian country requires a degree of cooperation and mutual reliance between federal, tribal, and state law enforcement, that, while possible, is extremely difficult to sustain. Every expert panel that has looked at public safety challenges in Indian country has recommend that jurisdiction needs to be clarified. Recognition of tribal authority to enforce laws over all crime committed on tribal lands is long overdue.

Federal legislative administrative efforts over the past decades including the Tribal Law and Order Act, Violence Against Women Act, and DOJ's COP programs have begun to address some of the longstanding structural impediments to safety in Indian country. But many challenges remain. While our communities continue to experience the highest rates of violent victimization in the nation, over 80% of all native adults have experienced intimate partner violence, stalking, or sexual violence in their lifetime. The majority of these victims report that they were victimized by non-Indians - over whom the Tribal government often doesn't have jurisdiction.

Solving public safety problems in Indian country is not rocket science. We know what works. In 2009 the Interior Department established a high priority performance goal to reduce violent crime by a combined 5% within 24 months on several high-crime reservations. By the end of 2011 the strategies implemented by law enforcement agencies on these targeted reservations resulted in a combined reduction in violent crime of 35%. While there were a number of elements to the strategy, the cornerstone of the program was significant increase in the number of trained police officers which we heard in the community. And one of the participating tribes, the Standing Rock Sioux Tribe, testified to Congress earlier this year and explained that after 8 PPG ended the tribe's law enforcement personnel were reduced back to prior levels and six years later the tribe is now grappling with increased violence, drug trafficking, and human trafficking.

Meaningful investment in tribal law enforcement and tribal justice systems is necessary for our residents and visitors on tribal lands to have the safety and security that is taken for granted outside of Indian country.

Mr. Chairman, members of the Commission, thank you very much for allowing us to testify.

Phil Keith: Thank you Mr. Allis for your testimony and certainly your service. Our next distinguished panelist is Leanne Guy. She is Executive Director of the Southwest Indigenous Women's Coalition which is the first statewide tribal, domestic, and sexual violence coalition in the State of Arizona. Ms. Guy

has over 20 years of experience in tribal community health, disease prevention, and public health and safety initiatives. Executive Director Guy thank you for joining us today, and you are recognized.

Leanne Guy: Thank you. Can you hear me okay?

Phil Keith: Yes ma'am.

Leanne Guy: Okay, thank you. Thank you Mr. Chairman, and good afternoon Commissioners. I would like to thank you for the opportunity to provide oral and written testimony on the challenges of public safety in the American Indian and Alaska Native Communities.

My name is (Doneasba) given to me by my grandmother which was also her name. It means never went to war. My English name is Leanne Guy, my clan is Near to Water and I'm born for Bitter Water. I am from the Diné Nation. I am a wife, mother, grandmother, daughter, sister, auntie, and work as an agent for social change, safety, healing, and justice. As mentioned, I am the founding Executive Director of the Southwest Indigenous Women's Coalition. We are one of 19 tribal coalitions funded by the Office on Violence Against Women.

It is important that I preface my remarks today by informing you that my oral and written testimony represents only my perspective, which is based on my lived experience and from my work of 20+ years of helping to build responses to violence against Native women. I do not and cannot speak for or represent all of Indian country and Alaska. As each tribe, village, pueblo, and community is so very distinct in their own governmental structure, culture, language, and customs. And also I need to say that, with all due respect, and I have to be honest – that I scrapped my initial oral testimony bullet points which primarily neared my written testimony. But after hearing about the death of George Floyd I have changed this oral – my oral remarks because I think that his death more than anything speaks to the urgent need for public safety for black and brown people.

As you all read or have read my written testimony addresses directly the need for public safety in Indian country and Alaska, but today as a lifelong advocate and mother, I dedicate my testimony to George Floyd and all the George Floyds in our black and brown communities.

I read the statement from Attorney General Barr on the establishment of this Commission in which he wrote that this Commission will serve the important function of studying ways to make American law enforcement and the most trusted – the most trusted and effective guardians of our communities. That there is perhaps no profession more important and noble than serving as a law enforcement officer. This I believe to be true but only if you're white.

Racism runs deep in this country and if we are to truly address public safety then included in this Commission's purpose along with the list of what this Commission will examine, must be the examination of law enforcement policies, protocols, and procedures. There must also be the hard discussions of racism, privileged patriarchy, and misogyny, and capitalism as these all have direct impact on the violence that happens within our communities and the need for public safety.

There must also be the examination of the training and the inclusion of cultural humility and trauma and healing informed methods. Then perhaps the Commission will understand better the cause of diminished respect for law enforcement and the laws they enforce and how this affects both police and public safety as Attorney General Barr writes is one of the purposes this Committee will examine.

As a Native woman of a grassroots movement to end violence, I know first-hand the devastating impact violence has had on our tribes. I have seen and heard the stories of domestic violence, rape, and sex trafficking that are often perpetrated by non-American Indian and Alaska Natives. And where there are extraction industries originate from man camps. I have felt the heart wrenching

pain that poverty, childhood trauma, and substance abuse bring. I have heard the deep, inconsolable cries of family members whose child, sister, brother, auntie, uncle, mother, father, or grandmother, grandfather has gone missing and found murdered or is still missing years later without justice or closure. It is for them, the victims and survivors and their families, that I also provide this testimony. It is their story that drives the purpose and forms the foundation for the work that is needed to provide public safety in rural and tribal areas.

Challenges in public safety in Indian country and Alaska are vast, longstanding, persistent, and intricately connected to social, economic health, and environmental challenges. Our communities have some of the highest proportionate rates of violence. It was reported in a 2016 NIJ report, that four out of five women - 84% - and four in five men - 82% - have experienced violence in their lifetime. Unfortunately, the data does not include specifically the LGBTQ Two Spirit community but we know their rates of violence are extreme in their communities as well. These high rates of crime demonstrate an urgent need for public safety in Indian country and Alaska.

The last point that I want to make is that from my experience -- and Kevin Allis referenced this as well -- is that tribes diligently strive to provide competent, swift public safety to their community members. However their ability to do this has been weakened by Federal laws that have stripped or limited their authority to adequately and efficiently protect their community members and hold offenders accountable.

Although there exists a nation-to-nation relationship with the United States government, tribes continue to be in a consistent position of defending their sovereign status and authority. This should not be the case. Additionally jurisdiction confusion, large geographic law enforcement service areas, and the lack of housing, shelters, jails, adequate technology, up-to-date law enforcement equipment and vehicles, proper roadways, internet infrastructure, public transportation, and law enforcement agencies that are understaffed and underfunded add to the complexities and

challenges providing adequate public safety which has increased drastically during this COVID-19 pandemic.

As Tribal nations and in communities of color we understand the importance of public safety as violence in our communities are at rates that no other communities experience and are at levels of brutality that are unspeakable - incomprehensible. When there exists historical trauma, oppression, funding disparity, racism, misogyny, discrimination, patriarchy, capitalism, privilege and limited tribal authority it is impossible to inadequately – to adequately provide public safety. Public safety in Tribal nations must be adequately funded, indigenous created and led, with the input of victims and survivors. There must be trauma and healing in forums and inclusive, responsive, and accountable to all community members including the LGBTQ Two Spirit and disability communities. Tribal sovereign authority must be respected, acknowledged, and fully restored. Otherwise tribes and their citizens will continue to be marginalized, their voices silenced. They will continue to be invisible, and public safety will continue to be an unmet urgent priority.

Thank you again for this opportunity to provide this testimony on public safety challenges with American Indian and Alaska Native communities.

Phil Keith: Thank you Ms. Guy for your valued testimony and for your commitment to the needs of tribal communities. Our next panelist is Vivian Korthuis, Chief Executive Officer of the Association of Village Council Presidents which is the largest Alaska Native America – Native non-profit tribal consortium serving 56 federally recognized tribes. She has worked at the Association of Village Counsel Presidents for nearly two decades, and has dedicated her professional life to improve the education, healthcare, social services to the YK Delta Region. Ms. Korthuis you are recognized.

Vivian Korthuis: Good morning Mr. Chair, can you hear me okay?

Phil Keith: Yes ma'am I can hear you thank you.

Vivian Korthuis: Thank you. Good morning everyone. If you would refer to the attachments in your packets to page 46, I am going to use that PowerPoint presentation as a summary for the testimony that I'm going to share with you today.

So I do have nine slides I'm going to go through and I'm going to start with the first one and when I go to the next one I'll just say, "Next slide."

Thank you Mr. Chairman for the invitation to speak with you in the President's Commission today about public safety in rural Alaska. I will present a very short slide show highlighting key points of the public safety crisis in rural Alaska as a summary of my testimony. Please refer to page 46 in the attachment to follow along. Next slide.

My name is Vivian Korthuis. I am Yup'ik. I was born in Bethel and raised in Emmonak, Alaska. I have served as the CEO for the Association of Village Council Presidents for the past four years and I have over 30 years' experience in tribal organization administering healthcare and social services in rural Alaska. There are 229 federally recognized tribes in Alaska. Virtually all tribes belong to one of the 12 regional non-profit tribal consortia. AVCP is the largest non-profit tribal consortium in the United States with 56 federally recognized tribes as members. Our headquarters are located in Bethel, Alaska. Our member tribes are located along the Kuskokwim River, Yukon River, and along the Bering Sea coast. Our region is considered to be part of the Arctic. Next.

There is a well-documented public safety crisis in rural Alaska. Just last summer Attorney General Barr declared a law enforcement emergency in all of rural Alaska. Native women in Alaska have the highest rate of domestic violence but in most villages there are no public safety officers to call for help. Next.

We bring you three recommendations. The YK Delta is an entirely roadless area in Western Alaska occupied by 56 federally recognized Tribes in 48 villages. We live on the northern border of the United States and our closest foreign neighbor is Russia, less than an hour away by small bush plane. State law enforcement is minimal at best and federal law enforcement is sadly non-existent. This is unacceptable. It's almost impossible to comprehend but it's real and it exists here in Alaska and the United States.

To address this problem head on this Commission should call upon Congress to provide our Tribal government with the following: permanent, non-competitive, and direct funding to support law enforcement salaries, equipment, and detention facilities. Further the Commission should call upon Congress to promptly enact Senate Bill 2616 which will clarify the authority of all our Tribal governments to fill the void and take action to protect our communities. Finally, the Commission should call upon Congress to support our law enforcement training needs. Next slide.

As we speak in our region a third case of COVID-19 was just identified yesterday in one of our YK Delta Villages. Our tribal healthcare models in rural Alaska have contributed to the low numbers of COVID-19 cases because we have a healthcare system that works for rural Alaska. On the other hand, in our region we have 48 villages covered by only three Village Public Safety Officers under a contract we manage from the State of Alaska. Clearly, we can do better. We want the resources to design a public safety system that works for us. Next slide.

Three years ago the 56 tribes in our region voted public safety as the number one issue for our tribes. In our villages, the Tribal government is responsible for keeping tribal members safe. The burden of funding officers falls on the tribal councils, sometimes with single funds. At each annual AVCP tribal gathering, I listen to the stories of our tribal leaders telling me what they have to endure individually to keep their communities safe. We live in a legal no man's land in Alaska at the center of an imbalanced state, federal, and tribal battle for authority and power. These elements have combined to leave Alaska tribes in the most vulnerable position, both from criminals in the village

and from outside threats like COVID-19. It is numbing. It's almost too intense and unbelievable for any rational person to comprehend. Next slide.

Training public safety officers is one of the keys to success of public safety in rural Alaska. The current Public Safety Model of no training is not working. Our tribal law enforcement officers need training and we want them to be trained locally. Next.

In closing, I encourage you to review the supplemental materials that I have attached to my testimony. The AVCP has worked very hard in the past three years not only to ask the hard questions about public safety in rural Alaska but to help provide answers to these difficult questions. These solutions will only work if it comes from the tribes themselves and tribes are involved in the process.

I want to leave you with a reminder that tribal communities in rural Alaska are not asking more or anything less than any other community in Alaska or the United States. Thank you.

Phil Keith: Thank you Ms. Korthuis for your service and your valued testimony here today.

Our last distinguished panelist today is Charles Addington. He's the Director of the Office of Justice Services with the Bureau of Indian Affairs. Director Addington is an enrolled member of the Cherokee Nation of Oklahoma and has nearly 30 years of law enforcement experience. Dr. Addington was selected to work directly on numerous high-level initiatives including the Department's Presidential high priority goal entitled, The Safety in Indian Communities, and the Comprehensive Protecting Indian Country projects. Thank you for joining us today Director Addington, you are recognized.

Charles Addington: Thank you so much Chairman Keith, Vice Chair Sullivan, and distinguished members of the Commission. Thank you for the opportunity to testify today about law enforcement and the

administration of justice in Indian country. As the Director of the Bureau of Indian Affairs Office of Justice Services, this is a very important topic for me and it is truly an honor to be representing Indian Affairs and Indian country public safety programs throughout the nation.

As Director Keith said, I have about 29 years of law enforcement experience with 24 of those being in management of Indian country law enforcement programs. Public safety and justice in Indian country continues to be a top priority for Secretary David Bernhardt and Assistant Secretary Tara Sweeny. They are keenly aware of the painful toll that high crimes take on our tribal communities and on the individual families in our tribal communities. They also recognize that addressing the crisis requires us to advocate for policies that lead to economic prosperity and improved public health outcomes for our tribal citizens, which will ultimately lead to healthier communities free of the scourge of drug and alcohol abuse. To that end I have worked close in consultation with tribes and with our federal partners to hone the efficiencies of the tools at our disposal and mount a vigorous response to the public safety crisis in Indian country. We are looking forward to the recommendations of the Commissions on steps that can be taken in the future to enhance our tribal and rural public safety programs.

Just to give you a little bit of background on the BIA Office of Justice Services, we provide reoccurring appropriations to about 191 law and full tribal BIA law enforcement programs, about 96 detention correction programs throughout on Office of Justice Services districts and support offices and about 230 plus tribal courts as well as other BIA agency offices that support public safety and justice programs. These funds that the BIA provide, or either spent, by the BIA when they deliver direct services to tribes by providing law enforcement, corrections, criminal investigation, and dispatch services, or when they're contracted by the tribe and the funds are transmitted to the tribes through self-determination contracts and self-governance compacts pursuant to the Indian Self-Determination and Education Assistance Act, Public Law 93-638 which allows the tribes to operate their own programs.

Just a couple of things, you know, with the limited amount of time that I have, I want to just touch on a few of the most critical points I see for public safety. And the most important resource that's needed to address crime in Indian country is BIA and tribal boots on the ground. Getting those police officers, detention officers, and those boots on the ground to actually be there to respond to calls for services. And not only respond to calls for services but also provide measures to deter criminal activity on the reservations. And I believe our Indian country public safety staff are some of the best in the nation. I can't say enough about how Indian country law enforcement, detention, and all the public safety officials, how great they are out there and they are doing so much with so little amount of resources they have at their availability now.

Indian country of course is very geographically diverse. It's comprised of large and small land areas. And just for an example, you know, the largest is approximately 16 million acres which is the Navajo Nation Reservation located in Arizona, New Mexico, and Utah with the smallest being 1.32 acres in California where a tribal cemetery is located. So you can see, officers are having to respond to large geographical areas and officers often have to travel long distances just to simply answer a call for service with very little or no back up within sometimes 20, 30 minutes or longer. So a very, very hard job that they do out there with the resources that they have.

And then to further exacerbate the tribal public safety staffing issues, many of these programs are having difficulty recruiting new staff and retaining existing staff. And one of the things that we hear from tribal chiefs of police regarding their hiring challenges, is pay levels, lack of benefits. There is not a retirement system for a lot of these tribal police officers that's out there working and they have no retirement to actually get on like a law enforcement or fire fighters retirement where they can work 20 years and retire. And that's lacking in those areas.

And then, you know, tribal housing where they can have adequate housing to bring their families and then they work long hours. There's minimal staffing levels, which burns them out as we all know. And then we have officers that have, you know, become tired of working or become overrun

with the challenges that they face each day and then they want to leave the service. So staffing levels can be a tremendous effect on reducing crime and I've provided an example in my statement where the BIA Office of Justice Services implemented an initiative. It's called the High Priority Performance Goal Safety in Communities Initiative to reduce violent crime in Indian country. And based upon analysis it showed violent crime rates in these tribal communities were well above the national average. We selected four sites that we could implement the initiative. And the goal was to reduce the overall criminal offenses, violent crime by 5% within a 24-month period.

So one of the very first steps that we looked at with achieving this goal was to properly staff the law enforcement agency on levels with parity with other non-law enforcement – or non-Indian country law enforcement agencies. So we increased the staffing levels at all four of those locations where we could bring people in utilizing detail staff in the beginning while we hired permanent staff. And as the staffing levels were increased the officers went to work implementing intelligence-led policing techniques and crime reduction strategies which they couldn't do before because they were so short staffed. So at the end of that 24-month period the four reservations had a combined 35% reduction in violent crime and we believe that one of the main factors is we got the resources on the ground so these officers could actually work with the community and reduce that violent crime. Because tribal communities know what the problems are and we need to give them the tools so they can assist their communities with reducing this crime.

One of the things I get asked quite often is the unmet needs for Indian country and I know we had a couple people bring up the Tribal Law and Order Act of 2010. And one of the requirements in that Act is for the BIA Office of Justice Services to submit a report – unmet needs report to Congress each fiscal year that details the spending for tribal public safety and justice programs. And we do that each year and I know one of our panelists actually gave me the figures on that and we believe this would be the immediate staffing need that's needed for Indian country. And one of the recommendations is we could get someone to look at that report that we provide each year. It lays

out what is needed to fill the unmet needs for the law enforcement, detention, and tribal courts. And that would go a long ways for providing the resources that's much needed in Indian country.

Just a couple other topics really fast. Public safety infrastructure – we go around all over the country and we talk to the tribal leadership. We talk to tribal chiefs of police and one of the things that we hear in most of the areas is their facilities. They have law enforcement departments, they have court buildings and detention facilities that are absolutely in dire need of replacement. And we would recommend that the Commission look at ways to further expand the rebuilding of those tribal public safety infrastructures. And we are pleased that Congress has started up providing funding for BIAOJS to replace facilities back in 2018. It's a small amount of money but it is something that is assisting us in replacing some of these outdated detention facilities and we hope that gets expanded.

One of the crucial pieces in – that I believe for staffing which is our most valuable resource is the need for adequate mental health resources in Indian country. Our tribal public safety programs respond to a high number of violent crimes, witness very traumatic scenes without any avenue to maintain their mental health. We've heard from tribal officers throughout the country that have said, "Hey, where can I go to find some culturally appropriate mental health counselling? Where can I go to talk to somebody? Where can I get that help?" And there's just not anything out there that is culturally appropriate to provide those services to tribes in the local areas. And we recommend that the Commission look at ways to require the Department of Health and Human Services through their Indian Health Services to provide these culturally appropriate services to Indian country public safety. Because it is something we need to take care of our resources on the ground.

And then the last thing that I've got, just one of the topics is data collection. We've heard a lot of people talk about data collection. And when you're doing intelligence-led policing and trying to address criminal activity on the ground, if you don't have the data it is hard to put the resources to where you need to to actually address the problem. And we face a lot of issues with getting data

from tribal programs and BIA programs that is actually submitted into the FBI Uniform Crime Report. Because those reports - or those crimes - are not listed in the UCR, like the domestic violence or missing person data – those are not actually things that gets reported through the UCR. So we miss collecting that data and I think if we could find a way to either revamp or expand the data set collected, when we go to the National Incident Based Reporting System - NIBRS Reporting - beginning in January 2021, we recommend that the Commission look at ways of expanding those data set collections.

Although I've only touched on a few of these obstacles faced by public safety in Indian country, there's so many more areas that should be examined and enhanced. And I want to once again recognize our Indian country public safety staff throughout the nation as they face a tough job and carry out the agency's mission. We must never forget that all of these very brave men and women are warriors and go to work each day in order to continue to protect our tribal communities and keep their fellow citizens safe.

While we continue to make great strides in public safety in Indian country, we still have much more yet to do. Thank you again for the chance to provide testimony today and I look forward to our panel discussion. I'll be happy to answer any questions. Thank you.

Phil Keith: Thank you Director Addington for your three decades of law enforcement service and for your valued testimony here today.

Commissioners we are now open for questions to the witnesses. Commissioners with a question, please state your name prior to your question and direct the question to a specific panelist or the entire panel. This is a reminder to the Commissioners, your mics are hot at all times. Thank you and now for Commissioners with questions for our panelists. Commissioners with questions for our panelists. If there are no further questions let me

Gina Hawkins: This is Gina Hawkins

Phil Keith: Oh, excuse me. Commissioner Hawkins you're recognized.

Gina Hawkins: I apologize. I didn't have a question. I did want to appreciate and recognize Executive Director Leanne Guy for knowing how important it is to provide testimony but also acknowledging the not being able to ignore what's going on in our law enforcement community, what's going on in our community. And recognizing George Floyd and his death and the impact it's having upon our communities, your community, my community, and our whole nation. So, thank you for Executive Director Guy for that taking a step away and acknowledging that and respecting that I –I appreciate that. Thank you.

Leanne Guy: Thank you – thank you for that.

Phil Keith: Any other questions or comments from Commissioners? Hearing no further questions, please let me close by thanking our panels once again for your time and most valuable testimony. And we appreciate you – your efforts to prepare for today. On behalf of the Attorney General and his leadership team of Rachel Bissex and Jeff Favitta and all the Commissioners, your contributions supplied today are most sincerely appreciated and will assist the Commission in their deliberations and work. Also please check the President's Commission page for additional updates of documents and information on the main Justice website. We'll update the website regularly when we receive information for posting.

Tomorrow we'll continue our hearings at the same time. Our focus will shift to community engagement.

With that we want to thank the FBI again for their continued use of the teleconference network. Certainly, all the federal program staff for their work for in supporting the Commission. Are there any questions or comments from the Commissioners?

If there's no further business before us today, the President's Commission is adjourned. Thank you again Commissioners for your dedication and your commitment.

Group: Thank you.

Operator: This concludes today's call. Thank you for your participation. You may now disconnect.