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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 call is being recorded. At this time, I would like to turn the conference over to Director Phil Keith. Please go ahead.

Phil Keith: Thank you Olivia. Good afternoon and I thank everyone for joining us today. I'll 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 teleconference meeting.

Our focus this week has been on rural and tribal law enforcement challenges and issues. Today our panelists will focus on specific challenges and issues confronting tribal communities. We have a great panel today to highlight the issues from a federal, state, local, and tribal perspective.

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 just like to remind everybody that today's event is open to the press. 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 Justice Department's Office of Public Affairs.

And with that, I'll begin the roll. Commissioner Bowdich.

Male: He will be here momentarily.

Dean Kueter: Commissioner Clemmons.

James Clemmons: Present.

Dean Kueter: Commissioner Evans.

Christopher Evans: Here.

Dean Kueter: Commissioner Frazier.

Frederick Frazier: Here.

Dean Kueter: Commissioner Gualtieri. Commissioner Hawkins.

Gina Hawkins: Present. Thank you.

Dean Kueter: Commissioner Lombardo.

Female: Joining momentarily.

Dean Kueter: Commissioner MacDonald.

Erica MacDonald: Good afternoon. Here.

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: I'm here. Thank you.

Dean Kueter: And Commissioner Washington.

Donald Washington: Here.

Dean Kueter: Mr. Chairman, that concludes the roll call.

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

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

Phil Keith: Thank you. All Commissioners should have the bios and testimonies for this panel. And as a reminder, we'll be posting all these materials on the Law Enforcement Commission website. We again want to acknowledge the work of the Commissioners, the working groups, the witnesses, and federal staff towards meeting the 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 panel. And we will then open with questions from Commissioners after the last witness.

Our first panelist today is Honorable Trent Shores. He's the U.S. Attorney for the Northern District of Oklahoma. His district includes 13 recognized tribes. Mr. Shores has had a distinguished legal career and is a proven leader on issues in Indian country. His service includes serving as the Assistant U.S. Attorney, First Assistant to the Attorney General of Oklahoma prior to being named U.S. Attorney of Eastern Oklahoma. Additionally, Mr. Shores has served as Deputy Director for the Department of Justice Office of Tribal Justice where he addressed a diverse array of criminal and civil legal issues facing Native Americans and Alaskan Natives.

He represented the United States at the United Nations and the Organization of American States where he negotiated declarations pertaining to the rights of indigenous people and advocated for the recognition of basic human rights for indigenous people worldwide. He is a member of the Attorney General's Advisory Committee which provides advice of counsel to the Attorney General on matters of policy, procedure, and management impacting the Offices of the United States Attorneys and was also recently appointed to the President's Task Force on Murdered and Missing American Indian and Alaskan Natives.

I've had personal pleasure of working with U.S. Attorney Shores on a variety of projects. And he is the host one of our very first rural listening sessions. He's truly a leader on every level and we're thankful to have him with us here today. Thank you for joining us U.S. Attorney Shores. You're recognized.

Trent Shores: Well thank you very much Chairman Keith, Vice-Chairman Sullivan, and members of the Commission. It's really an honor to have the opportunity to testify before you today and to do so about a topic that is very near and dear to my heart. It's taken up a large part of my career. It's an honor to be here as a United States Attorney but also as a citizen of the Choctaw Nation of Oklahoma. So let me say, halito, chim achukma?. Hello and how are you?

First let me start off just by telling you that my testimony is shaped by my experience working these past 18 years with law enforcement officers, with various justice officials, with tribal leaders to address the public safety challenges that exist and that persist in Indian country. As Chairman Keith mentioned, I've worked in Washington at the Department of Justice at the Office of Tribal Justice.

And there I had the chance to work with tribes from all over the United States that come from various and diverse jurisdictional systems. I had the chance to work for over a decade as a frontline prosecutor, as an Assistant U.S. Attorney here in the Northern District of Oklahoma and also in the eastern part of Oklahoma.

And it was really in that experience that I had some of my most direct experience with the very real public safety challenges that exist for tribal communities in Indian country.

And sadly, I know that many of the challenges that I saw when I began working for the Department in 2003 persist today. And that bothers me. It upsets me. It challenges me to want to encourage you that this must be a call to action to make changes. I continue to see unacceptably high violence against women and children in Indian country. I continue to see that much of that violence is often driven by substance abuse. I continue to see that methamphetamine is a scourge in Indian country that just will not end.

And I continue to see that we can do a better job of having multijurisdictional solutions. And I don't think that the challenges in Indian country are insurmountable. But I think that we must take bold action to address them.

So being the Chair of the Native American Issues Subcommittee which is made up of about 52 United States Attorneys from across the United States that have Indian country, we began looking at what it was that we could accomplish during our terms as U.S. Attorneys to improve public safety in Indian country. And we identified four areas in which we wanted to focus. Those were reducing violent crime, addressing drug trafficking and substance abuse, increasing law enforcement resources, and addressing white-collar crime issues.

Now we recognize that there is no one size fits all solution to Indian country. There's 564 federally recognized tribes and each of those have their own governmental structure, cultural heritage, and law enforcement needs. And so I think that from the outset any solution that is recommended or developed needs to have the flexibility to be adapted and applied and implemented on a unique local basis.

And I think historically what my experience tells me is that embracing and supporting tribal sovereignty and tribal law enforcement justice systems is a wonderful idea. Because tribal leaders and tribal law enforcement know their community best. But they can't do this in isolation because they need the help and the support and coordination with federal justice services.

I think that in particular the obstacles facing law enforcement in Indian country derive in part from the complex jurisdictional framework that we encounter. I think that also there is a very need-based challenge. When I look at the number of law enforcement agents or law enforcement officers on the ground in Indian country compared to similarly situated rural communities, it's lacking. There are on average, for example from the Bureau of Indian Affairs, approximately 1.4 agents per reservation in some areas.

And that's just unacceptable. The two federal entities with the most responsibility in Indian country are the FBI and the BIA. But they don't have to be the only ones. I certainly would encourage and support a more expansive and direct engagement by the Drug Enforcement Administration in Indian country, in particular, to help enforce federal controlled substances laws that apply to the trafficking, possession, and distribution of methamphetamine.

I also am a big believer in my career that more police officers, more deputies on the ground, is a strong deterrent to criminals. And so anything that we can do to better organize, better train, and better staff law enforcement in Indian country to have more boots on the ground, that that will make a big difference for those communities.

I also note that we can't just put bodies in there. We need bodies that have been trained properly and officers who have had the right training to properly investigate and present to a prosecutor cases for prosecution. This includes evidence collection, rendering first aid, conducting trauma-informed victim interviews, and eliciting pertinent information from witnesses and interrogating suspects.

And all of this, of course, is important to note in the term of statistics and data. In order to fashion solutions that meet the problem on the ground, we need to do a better job of collecting data from tribal law enforcement and do a better job of looking at that data and then fashioning solutions that meet the problem. And this is no more true than in the area of missing and murdered indigenous persons or Native Americans and Alaskan Natives where it would be very helpful to have more robust and better data.

I look forward to answering your questions. And I appreciate the opportunity to testify before you today. But know this, I know that the men and women of the Justice Department that I work with, the tribal liaisons, the federal prosecutors, and the agents are committed to improving public safety in Indian country and I'm very proud to work with them. Thank you.

Phil Keith: Thank you Mr. Shores for your leadership, commitment, and service to law enforcement, and for your valued testimony here today.

Our next distinguished panelist is Chief Matthew Rourke. He's the Chief of the Saint Regis Mohawk Tribal Police in New York. Chief Rourke has over two decades of law enforcement experience starting in 1998. And he rose through the ranks of the Saint Regis Mohawk Tribal Police and was named Chief of Police in 2015. Saint Regis Mohawk Reservation shares a border with Canada presenting a variety of jurisdictional challenges. And Chief Rourke has been recognized numerous times for his resolution to several high profile cases.

Thank you for joining us today Chief Rourke. You're recognized.

Matthew Rourke: Sekon. Niawen'kó:wa. Inour Mohawk language that means hello and thank you.

As you have said I'm honored to be here and be in front of the committee. I am Chief Matthew J. Rourke of the Saint Regis Mohawk Tribal Police Department located in Northern New York right on the U.S.-Canada border.

We are a unique department with many jurisdictional issues. We are a very strong community-oriented police department but first of all we are a department that believes in a community. Believes that our law enforcement is our first line of defense.

I am asked to speak on a variety of topics. But three that are really interesting to me and my department and our community that affect us each and every day. One of our first ones that I would like to speak about is our recruitment and retention. I am proud as Mohawk person to oversee our department. We have many Mohawk individuals from our community that are on law enforcement and are brothers and sisters from across Indian country and even into Canada.

With that, I think that in community-oriented police and you have to understand that - you understand our culture, our values, and our language which is the most important thing to me that if you can understand those three things you can easily de-conflict the situation that comes out where in outside communities that does not happen.

Our other issue into that is the retention. Our retention as the judge spoke about before is that it takes a very long time for police officers to become really valuable police officers. It's five to seven years. We are losing some of those officers to other agencies, local, federal, and state out there because of a very important subject which is our retirement. Our 401(k) process which most tribal police departments have to go through depending on their government, it doesn't keep us along. Even though we have federal BIA authorities, special law enforcement credits, we're not eligible for the retirement process.

We here at the Saint Regis Tribal Police Department have a state-accredited department, state authority. We are not allowed on our state authority benefit package. So we do lose those to people. And it's their right to go and further their career. We do not want to hold back any members of our community, but that is really hard for us to fulfill that obligation.

The second one that I'd like to talk about is about our funding and grant opportunities. A lot of our funding in tribal communities come from our governments to which they have to also look out for other health, welfare, and other needs out there but public safety is usually their number one concern. When that comes about, the funding again comes from Tribal General Fund which we get streams of revenue from our economics and at times just our casino. During this current pandemic we are under high stress and the need for funding is very valuable.

We noted that when it comes down to our grant, we've been very successful in the CTAS Grant also getting COPS funding. With that we've been able to get good officers and good state-of-the-art equipment for us.

But in some situations where grants come out as recent as the COVID-19, we're ineligible as a tribal nation and a tribal police department to fulfill that with the rigid standards of what was out there. For example, in - during the Edward Byrne JAG Award we were not eligible because we did not apply in 2019. And secondly, we did not - we were not available - eligible to receive that grant also because we didn't have enough violent crime. We only had 11 compared to where the standard was over 100.

Also with the grants that are out there for tribal communities I believe that we should be able to fulfill and have a stated 21st century building for a lot of nations that are out there. My police department is over 30 years old. It's renovated. We do not have any grants out there for new construction. The benefit of that, for those buildings is the fact that we want to be federally accredited and/or state accredited. But a majority of that is based upon your building needs and

your policies and procedures which we are passing but our needs are based on that new construction fee which is almost impossible to get unless you go back to a USDA loan and which is coming back onto the tribe with other public needs and services.

And that again with the biggest part of that is just reducing the civil liability once you're accredited with that state or federal authority. And we've seen things like Stonegarden that we're very proud partnership with that. But even Stonegarden at times as we're located, the rigid requirements of that again is to have certain equipment for use for border activity. If you visit our Tribal Nation everything we do here is along the border. And it's hard to determine that you can't use a certain car because you're not on that opportunity.

And a lot of the grants that we do have is the retention on them. You know the three and five years, the two years after that and it's back onto our government's responsibility. And that's how we lose people.

My third concern is basically what we do on our border situations, our border integrity, and our relationships that we have out there understanding jurisdiction. We are the only police department in New York State, tribal PD that has state accreditation and we're taking great pride to be that. We went through a lot of hurdles. And that's an honor to have that.

We also work with, one of our biggest challenges that we have here, we've noted. A long time ago before this border was put over our territory it was told that our economics, our travel, our personal business, whatever we need to do across Canada, United States will never be affected. But in law enforcement we look at that where it's supposed to be 7 feet higher than the tallest person on the reservation. But with the continuous illegal activity that happens across these borders we are subject to getting that bad guy who crosses the border to do harm to our children, to our women, to our men. And uses that opportunity for their own good. We developed many relationships and

MOUs with the departments that are out there especially at the federal level. And I am very proud of our community policing that we do to understand cultural sensitivity and cultural training.

And they've even - it's remarkable for up here regarding those jurisdictions that they're able to put in the Mohawk language at the U.S. Customs to say stop and go. That's huge considering boarding schools from way back when that people lived through. It's amazing what has been done up here in the community policing. Our aspects that we have here where we go above and beyond to meet our people's needs.

In closing, I would just like to say that, as I mentioned in the beginning, is that we as tribal police and our people believe here in the community under our sovereignty issues that gets called into question at times is that we are our first line of defense. And although we made great friends, relationships and worked with the federal grants and the people out there we have to know that we as Mohawk people and native people across Indian country, we will defend our unique jurisdictions every single day. I'm hoping that there's encouragement that a lot of it comes down to respect. That more tribal police departments get respect for our law enforcement, respect our culture, respect our language. And that's how the relationships that we have.

But overall, I'd just like to say again, there's many stuff in our testimony that I believe, you know, we have a short period of time. But I can answer a lot more questions. One of the things the Tribal Council really wanted to issue and across Indian country as the judge mentioned is that our sovereignty is huge to our people. And if you don't understand, we must ask each other and communicate especially with the outside agencies.

I'd like to thank the committee and the judge and the other panels on there. This is just a small piece of the iceberg. And hopefully we can continue this relationship to provide for tribal police departments to just be just as good as any other federal, state, local agency out there. Thank you very much. Niawen'kó:wa.

Phil Keith: Thank you Chief Rourke for your valued testimony and for your leadership and service to law enforcement to our great country.

Our next distinguished panelist is the Honorable Judge Richard Blake, retired Chief Judge for the Hoopa Valley Tribal Court. And he's currently Chief Judge for the Redding Rancheria Tribal Court. Judge Blake is a member of the Hoopa Valley Tribe and is the president of the National American Indian Court Judges Association. He is the founder of the Northern California Tribal Court Coalition which currently has a membership of six Northern California Tribal Courts and he has dedicated his career to issues surrounding domestic violence, human trafficking, and criminal acts which are particularly adverse to public safety in Indian country.

Judge Blake thank you for joining us today and you're recognized.

Richard Blake: Thank you. I appreciate this. Good afternoon. Again my name is Richard Blake. I - as I was introduced, I am a proud member of the Hoopa Valley Tribe. And again, a current retired judge after 17 years on the bench.

I am, I was introduced, the President of the National American Indian Court Judges Association, I wanted to keep that in mind because that will be something I will highlight later in this presentation.

I wanted to thank you for this opportunity to speak about tribal justice and law enforcement matters from the perspective of a judge. My written testimony highlighted a few issues that currently affect gaps in law enforcement. But I wanted to expand a little bit on that testimony.

I previously came from a big court system where the court system came fully equipped with court reporters, clerks, and most importantly, security. And when I was elected to the bench I quickly was

able to see what was missing from a - from tribal courts. What was missing was the security, the law enforcement presence in the court setting.

As our - as Hoopa Valley Tribal Law Enforcement attempted to provide, you know, bailiff court services, it was obvious that it was not something that was provided to them in the academy and they had very little to no experience in providing that type of service to the court.

When they - when we tried to research to get the training, trainings were limited and costly, meaning that the budgets, the tribes that had budgets associated with law enforcement could not afford to expand their areas of training to include courtroom security and/or security surrounding the, you know, the personal service of court documents.

The - without, you know, there were also other areas that concerned me that were the remainder of the tools that were necessary for these officers to provide this service. And that was something as small as a walkthrough scan or even a handheld metal detector that would provide security to the litigants in the court, and most importantly to my staff on a daily basis

. Following one hearing, a domestic violence hearing, I was informed by the petitioner that the respondent had a - had flashed a handgun to her as he sat at the table. Again without having the ability to scan for that, I'm certain that that probably happened on a more frequent basis.

I talked a little bit about the National American Indian Court Judges Association. That is a - as I highlighted in my testimony, a organization that was established in 1969 for tribal judges. And the only organization developed for tribal judges and a complete membership of tribal and now state and federal judges.

But the trainings that we provided with the - highlighted a lot of collaboration between the tribes and state and federal agencies. And this is in conjunction with grant opportunities by Justice agencies that we have competed for.

And one of the - as I heard my fellow colleagues testify, there's a lot of value in having a native provide training to native communities. One, with there being over 500 or being 573 tribal communities across this nation, I believe that each one of those communities is unique in its own sovereign way.

And so those training opportunities may not be the same. And walking into those sometimes a necessary training for tribal communities that we are much needed.

The - my law enforcement people that I've worked with, they had a variety of issues to work on. Environmental, fish and game, gaming, school resource, probation. So, you know, they're not just - they're just not the average street police officer. These are - they're multitasking so that we can get our bang for our buck if you will on the limited resources that most tribal communities have.

I wanted to lastly end with the issue of the missing, murdered, and indigenous women and the impact on that. I recently in late February had the opportunity to speak at the re-signing of the Human Trafficking Amendment. At that I revealed I am the parent of a traffic victim. And I - one of the things that I wanted to say is tribal communities are very, very at risk for this type of continued activity.

And it's something that I highlight because I want - you know, my child was not one that was abused, neglected, or had - she only wanted to accomplish things.

And so, you know, when we have these women that are missing and that have never returned to our communities, the impact that that has. We continue to look. We always look for those people

to return. And I was very lucky that mine did return. I'm one of the blessed, if you will to say that. I have the - I had the opportunity to have my child home.

But I'm not always - I'm one of the few. I've also heard many cases where I'm dealing with a family whose mother, sister, aunt, grandmother, did not return. And those are very, very difficult cases for tribal communities and, you know, and for this country. I'm very, very happy that the law enforcement is very committed to continuing to dialogue on this issue and I certainly look forward to continue working with the Law Enforcement Commission on this issue.

Thank you very much for your time.

Phil Keith: Thank you Judge Blake for your valued testimony and certainly for your service and leadership of our criminal justice system.

Our last distinguished panelist today is Chief Bill Denke, chief of police for the Sycuan Tribe of California. Chief Denke has been chief of police for 15 years and is highly respected and is considered a subject matter expert on tribal law enforcement. He's current Chairman of the Indian country section of the International Association of Chief of Police and a member of the IACP's Board of Directors. Chief Denke, thank you for joining us today and you're recognized.

William Denke: Chairman, can you hear me okay?

Phil Keith: Yes sir, I can.

William Denke: Sorry I apologize - well I thank you very much Vice-Chair Sullivan, Director Kueter, and all the distinguished members of the Commission on the call today. It truly is an honor. I'm very humbled -- being a Police Chief of less than 20 in Southern California -- to have the opportunity to have this voice today means a lot. As mentioned, introduced, my name is Bill Denke. I've been the

police chief for Sycuan for the past 15 years. I've served the department for over 26 years and currently Chairman of the IACP Indian country section of - and also the Chairman of the California Tribal Police Chiefs Association.

So just for some background purposes, I just want to note that California is one of six mandatory Public Law 280 states. And for those of you not familiar with Public Law 280, in very simple or general terms, it's a federal law enacted by Congress in 1953 that greatly reduced the Federal government's jurisdiction and also extinguished exclusive tribal jurisdiction over many types of crimes and applied state and tribal concurrent jurisdiction in its place. It's very clear that the effects of this law have had a profound, negative impact on tribes' ability to really establish efficient justice systems. This includes tribal law enforcement in California. The impact is still seen today as very few tribes in California are even providing their own comprehensive policing services to their communities.

The two most difficult challenges I've experienced during my 26 years, I've really been finding solutions that would authorize tribal police officers to enforce state laws on their respective reservations and also for tribal officers to have the ability to access local, state, and federal criminal justice information systems. Fortunately for Sycuan -- with a lot of good faith collaboration with many of our local, state, and federal partners -- the department has found some solutions to these longstanding issues and is now able to provide those comprehensive policing services that our community really deserves.

As you can imagine, it wasn't an easy road, and I do want to stress something, emphasize something here that's further explained more technically in my written dialogue -- my written testimony, and that is both of these solutions, the access to local and state information systems and also have the ability to enforce state laws were predicated off the federal enforcement status of our officers. That status is pursuant to a deputation agreement with the BIA's Office of Justice Services. The deputation agreement in turn then allows Sycuan's police officers to be

commissioned as special deputy officers of the BIA after meeting the condition set forth in the deputation agreement.

After taking into account these problems and the workaround solutions to partially resolve them, there are really two recommendations I'd like to make. All could have an impact on the tribal -- positive impact on tribal law enforcement programs throughout the country, not just here at Sycuan or California. The first recommendation is in regard to supporting DOJ's Tribal Access Program, commonly referred to as TAP. DOJ established TAP to create a single direct source by which tribal law enforcement agencies could access national crime information systems. It's a way for tribal law enforcement agencies to obtain access when they can't access through their more traditional method of their state's CJIS systems agency, an example of not being able to access that here in California.

Although our officers now are authorized because of their Federal officer status, other staff such as dispatchers and crime analysts are not. They have to rely on the TAP program to access information that's absolutely vital to our officer's safety and the greater public safety alike. TAP goes beyond just accessing NCIC and then led to actually allows for true data exchange between all the comprehensive FBI CJIS systems, so it provides a hardware, software, just really emphasizes that or allows that bi-directional flow of information.

To date, there are approximately 90 + tribes participating in that program. That number also does not reflect tribes that were part of the original pilot program like Sycuan back in 2010 and does not reflect many of the BIA agencies that are participating in TAP. With one success story after another published by DOJ on the TAP program, it's imperative that this program continue beyond the foreseen future.

But the one thing that really concerns me is the program is not directly funded. It's only indirectly funded through different DOJ agencies such as COPS, SMART, and OVC. So with that being said,

I recommend that Congress allocate sufficient, predictable, and dedicated funding for the Tribal Access Programs and improve public safety needs within Indian country. Further, Congress should also establish a specific budget line item for Tribal Access Program that is independent of appropriation to other Department of Justice agencies.

My other recommendation is regarding something Commissioner Price]] remarked on at the end of Tuesday's hearing. That is liability and tort issues which is the issue that arises the most when tribal law enforcement agencies attempt to negotiate deputation agreements with either local and state agencies. I've seen this first hand, this very, very complex issue be an absolute deal killer. Many times, tribes are expected to waive their sovereign immunity and pay for very experience insurance premiums in order to get over this hurdle. A move that not only would lead to tribes completely exposed but also the officers in their individual capacities. The liability issue doesn't only coming into play when trying to negotiate deputation agreements, but also with recruitment and retention of qualified tribal police personnel. With that being said, language within Sycuan's deputation agreement with the BIA of the model agreement which is actually published by the BIA for all tribes may offer some hope and resolve.

At least when it comes to tribal law enforcement officers who are deputized by BIA through their Special Law Enforcement Commission process commonly referred to the SLEC. Pursuant to the current model, deputation agreements entered into between BIA and the tribes, tribal officers who have been issued these SLECs are deemed Federal employees of the Department Interior for the purpose of the Federal Tort Claims Act while carrying out those laws applicable in Indian country as described in the agreement. However, the officers are not deemed Federal employees for the purposes of the Tort Claims Act when enforcing laws that are not described in the agreement.

In addition, it is my understanding that BIA law enforcement personnel may be covered by this act while enforcing other jurisdiction's laws pursuant to agreements between the respective jurisdictions and while on tribal lands. And on a very important side note, the BIA also has the

authority to issue SLECs to local and state law enforcement officers for the purpose of enforcement of applicable federal laws on tribal reservations importantly with permission from the respective tribes that BIA has a deputation agreement.

Taking into account, there already is this FTCA coverage for tribal local and even state law enforcement. For the enforcement of specific federal laws, I strongly recommend that the Department of Interior in consultation with the Department of Justice look into defining the Federal Tort Claims Act Protection for BIA commissioned law enforcement officers similar to that of BIA employed law enforcement.

But more specifically, consider striking the model deputation language that puts the conditions on the Federal Tort Claims Protection and place state officers who have been issued SLECs are deemed federal employees for the purpose of the Tort Claims Act while carrying out those laws applicable in Indian country. And I just want to make it clear -- because I know this is kind of complex when I say those laws -- I'm also talking about tribal, state, or federal laws that actually apply on this specific reservation.

Realizing you have a huge task ahead of you, I respectfully request that you consider my recommendations today. In addition, I really request the important recommendations - or that you consider the important recommendations coming out of the rural and tribal working group. Although these workgroups - working groups' recommendations have not been firmly made yet, there's one recommendation being considered I'd like to highlight real quick. Even though it's a bit of a home run swing, this recommendation would undoubtedly increase public safety across the board in Indian country. Every year since the Tribal Law and Order Act was signed into law in 2010, the BIA Office of Justice Services completed its report to Congress on spending, staffing, and estimated costs for public safety and justice programs in Indian country. After a really quick review of this report or document, it's very clear. There are significant unmet needs for Indian country's public safety.

And this report also reflects those needs for tribes in PL280 states including Alaska which historically received little to no funding from BIA for public safety needs. With that being said, I strongly recommend in the future Congress fund Indian country public safety programs at the level reflected on the BIA's Annual Report.

In closing, I just want to thank all of you for all the selfless time you've put into this project and effort to produce an impactful and comprehensive report to the Attorney General and the President of the United States. I know that got a little technical, Chairmen, but at this point that includes my statement and I'll be on the line for any questions - thank you.

Phil Keith: Well thank you for your service and thank you again for your leadership and your valued testimony you provided here today. Commissioners, we are now open for questions for the witnesses. Commissioners with the question, please state your name prior to your question and direct the question to a specific panelist or the entire panel. Just as a reminder to Commissioners, your mics are hot at all times. With that, Commissioners with questions for our panelists?

Erica MacDonald: This is Erica MacDonald, may I ask a question, please?

Phil Keith: Yes ma'am, you're recognized.

Erica MacDonald: I'm directing this question to Judge Blake. First of all, thank you all -- all the panelists -- for your testimony, greatly appreciated, very helpful. Judge Blake, thank you - first of all, thank you for sharing the story of your child and telling us about that situation. Human trafficking is something that is a top priority for the Department of Justice. I think it's top priority for all law enforcement agencies and, you know, taking a victim-centered approach to addressing these crimes and these problems within our communities.

What I want to ask specifically as we're looking at human trafficking and we have heard a bit of testimony or some testimony in our reduction of crime panels, but I want to talk specifically about our Native American partners. And if you have any recommendation because that is a very vulnerable at-risk group that I'm concerned we are not reaching as much. I can tell you in Minnesota where we have 11 tribes, I do not get -- we do a lot of human trafficking cases here in Minnesota and I don't see them coming off of our reservations and that concerns me greatly. So how do we reach this community? Do you have any specific concrete recommendations that we could incorporate when we're looking at reduction of human trafficking?

Richard Blake: Thank you for the question and I appreciate your comment about my child. Yes, there is a lot of possibilities. The California Judicial Council, once we - once I came public with the information about my child, I was actually at Beyond the Bench -- which is a retreat for judges in the State of California -- when my daughter made the phone call to me when she was able to escape. So following that the Judicial Council in conjunction with me, we reached out and we were trying to provide training opportunities to tribal systems across the state of California. With there being 109 tribes in California and 100 different reservations, you know, you have to make certain that you're reaching out to every rural tribal community and offering the ability to participate in these.

I think that the Bureau of Indian Affairs also -- Tricia Tingle -- was also allowed the opportunity to speak. I set up the signing of the reauthorization of the trafficking bill that the President's daughter Ivanka chaired. And I again feel that it's with these children -- with these women -- and I don't even want to say, women. I want to say our members because we are now finding that there are as many men and young boys being trafficked as there are women. So I think tribal communities now are ready to address this. We're ready to bring our people home and we're ready to prevent them from going - from leaving our communities.

And again, these are training opportunities. I think that the various departments has -- tribal partners have put to the forefront -- and I certainly think that there is a great start here as we are addressing

these issues. This is no longer a state issue. It's no longer a national issue. This is a world issue and international issue that we have to continue to chip away at. And as Chief Denke and I have had many conversations around this very, I mean, around this very topic and as it - in California we have the California Tribal Judges Association where we are looking for an opportunity to partner with somebody so that we can get this training going across the country - thank you.

Erica MacDonald: I agree with you that that training is an integral part of the work that we're doing at MMIT work. Thank you very much - I greatly appreciate it.

Ricard Blake: You're welcome.

Phil Keith: Other Commissioners with questions for our panelists?

Erica MacDonald: This is Erica MacDonald again. If you don't mind, Phil, may I ask another question related to resources?

Phil Keith: Yes ma'am, Commissioner MacDonald is recognized.

Erica MacDonald: Okay - thank you for speaking Mr. Denke on the BIA report and the amount of significant unmet needs in Indian country. I want to ask the panelists, generally, based on their personal experience and their experience -- especially Trent my colleague, you know, you chair our Native American issues sub-committee. You're seeing everything nationally what's going on. What are your experiences with respect to resources, both BIA and DEA? One are there sufficient positions allocated? But two, are we able to fill those positions? What's your experience on that?

William Denke: This is Bill Denke - in public law - was that for Bill? I'm sorry.

Trent Shores: It's Trent Shores, and I'll follow up after you Bill - go ahead.

William Denke: Okay no - go ahead. I'm sorry, I jumped in.

Phil Keith: Okay so we have Chief Denke recognized and then Mr. Shores will be next.

William Denke: Okay I'll make that quick. Sorry if I interrupted there. You know, working a Public Law 280 state, there's little to no funding and, you know, it's not really fair for the tribes and the public law if these states aren't funded to ask for a -- already a -- you know, try to get a sliver of us but it's already a small piece of pie throughout the rest of the country that's being funded. And there are huge issues. My colleague that spoke before me as far as, you know, what he's dealing with resources and the impact of COVID, very similar thing here. You know, the tribes of funding all comes from, you know, non-essential businesses that were shut down. And, you know, it's one thing to furloughing a few - what would be considered I guess non-essential staff or non-sworn. But when you start cutting sworn officers and there's nothing there. It's, you know, the first time in my career it became very real.

And the other side of your question is to be able to fund BIA spots. It does, you know, from an outside perspective. It seems like there's a lot of attention to keep those filled, but filling those there is some delay. I've, you know, I don't, you know, speaking from my police chief hat in California, we only have one law enforcement BIA paid position. It's a special agent in charge. You know, that can be, I know Director Addington does his best to keep that filled, but, you know, with other needs throughout the state and the sense that BIA isn't providing direct services in California, you know, sometimes that person or that position has to be detailed somewhere else and we really depend on that position of not only as a BIA representative but there's a lot of administrative work, a lot of things we do. Like I said in my testimony, it's predicated off of our status is commissioned officers of the BIA.

Phil Keith: Mr. Shores, you're recognized.

Trent Shores: Thank you Mr. Chair - I will tell you I appreciate this question because I think law enforcement resources, in particular, are the start to improving public safety in Indian country on so many levels, not just as first responders to the needs of citizens living in tribal communities but also meeting the needs of victims after they've experienced crime. And when I look at the nation as a whole for Indian country compared to similarly situated rural communities, there is a difference. And Indian country not staffed as well with police officers. And that leads to some very real challenges and issues about not having enough officers on any one shift to respond to the needs of the community. And I think that when I look at -- at least in Oklahoma -- those solutions that have been successful, it is multijurisdictional solutions with collaborative law enforcement.

But here in Oklahoma, we have a different experience, a different situation than many of our brothers and sisters across the country. We have a very good relationship between our tribal partners and our state, local, and county partners. We have one tribe -- the Cherokee Nation of Oklahoma -- that has over 60 cross deputation agreements with state and local partners, and so there really is a seamless provision of law enforcement services. And we don't have the same liability and other tort-related issues that I heard testified about, and I know that are important or challenges in other areas.

I think that when I speak with our Regional Directors from the BIA and also tribal leaders -- whether they're affiliated with the IACP or some local Oklahoma organizations -- I understand that there is a real challenge with recruitment and retention. Recruitment of qualified applicants from in particular tribal communities to serve in a law enforcement capacity. At times there are applicants - there are applicant pools that are empty. I know that's been a challenge for Indian and non-Indian police forces across the country, but we're starting to see those academy classes come back stronger, but that has been a challenge.

And then of course the retention aspect, it also becomes a real problem. At last check, I understand that despite allocations to the Bureau of Indian Affairs Office of Justice Services, they are still staffed at below 50% capacity. And if you can imagine in any community not having a fully staffed law enforcement is a real challenge. And so I think that one thing that this Commission can do is look at how it is that we can do a better job of not just recruiting and retaining but staffing those positions in the first place and looking at what partnerships exist perhaps between the Department of Justice and the Bureau of Indian Affairs to help better recruit and retain those individuals. We know that the Justice Department has a good history and a good experience with its many law enforcement agencies that fall under it and fulfilling our public safety needs. And if there's anything that we can share with our fellow agency from our experience or expertise then I know that those of us here at DOJ would welcome the opportunity to do that.

And I'm going to end by saying some of the best law enforcement agencies that I see in Indian country are those operated by tribes themselves. Again, this is a very specific Oklahoma perspective, but it is important that when I have seen Oklahoma tribes embrace tribal sovereignty, set up their own justice system, set up their own police forces, that it is -- in my experience -- the best law enforcement for those communities. They do a great job and in our office we're proud to receive cases directly from tribal law enforcement officers to be prosecuted and pursued in Federal court. Thank you Mr. Chair.

Phil Keith: Thank you - Judge Blake or Chief Rourke, do you want to respond to Commissioner MacDonald's question?

Matthew Rourke: Chief Rourke here if I may.

Phil Keith: Yes sir, you're recognized.

Matthew Rourke: Yes sir, thank you - I want to - those last two statements were very strong. I believe that he hit it right on the nose there that the - our best way to police and have community police is to have your own people policing that community. Because like I mentioned in my testimony, we understand our customs, laws, and our language. Our language is our best thing because once you lose your language, you lose your people and that's what we go back to our community on.

When it comes back to our retention, it is great as I've looked over and took over leadership, is that the retention is almost similar in my opinion as a start up. You get the grants that are out there three years. Then it got bumped up to five years for that agency and then one year after that, and then it's back on the tribal general fund to fulfill those officers for the next 13, 15 years.

And as we grow, we have a 35-member department. As we grow, the cost of living, these - all these things come up and it makes it difficult on the tribal leadership to get that money allocated from our local economics and our casinos and we're looking at cutting. But the biggest part of this in that retention process and policing is that you have community members policing them. And it's very difficult -- because as we know -- I cannot go to the store and not see anybody and ask me how - what's going on with that community. We're different but we're very proud to police our own and be that first line of defense - thank you.

Phil Keith: Thank you Chief. Judge Blake?

Richard Blake: Yes, I just wanted to add I think that my colleagues have a done wonderful job with this question. But lastly, the last comment about a tribe, I mean, working with our own communities, it's very true. Like the last gentleman, I cannot go into the community without somebody stopping and talking about an issue that they may be having with a certain person, entity, or whatever. And those are how tribal communities work and, you know, sometimes the best solution is we all get together and work those out. And that's how tribal communities have operated since the time immemorial. I

think it's been a productive way. It wasn't - it was quite foreign to me when I first arrived coming from a different system, but I'm telling you it works. Thank you.

Phil Keith: Thank you Judge. I know I heard another Commissioner with a question.

Christopher Evans: Thank you Chief, this is Chris Evans with a question for the panel.

Phil Keith: Yes sir, you're recognized, Commissioner.

Christopher Evans: Yes, thank you and first of all thank you to all the panel members. I really appreciate your taking the time to come and discuss this with us. It's very helpful. And I want to follow up with the piece on collaboration and resources. I'm with the Drug Enforcement Administration and I know Mr. Shores had mentioned the ability to have people to help in tribal areas and influence. One of the things we've been very proud of doing is some of the recent projects that we've worked on. I think earlier testimony talked about Project Brave and some of the other initiatives. But one of the things I specifically want to hear from you is -- you talked about resources, collaboration but you also talked the tribal police working things as its own local entity -- what you see as the best strategy or ways for Federal agencies or other law enforcement to integrate and collaborate better with tribal police forces? I think that's one of the things that we've been very - done very well in some instances, but I'm curious to get your perspective on better ways and things that that should be looked at in terms of trying to collaborate with tribal law enforcement, and I'll open that up to the entire panel.

Trent Shores: Well this is - sorry Mr. Chair.

Phil Keith: Well we'll recognize Mr. Shores and then Chief Denke.

Trent Shores: Thank you - may it please the Commission and thank you for that question. I will tell you that I think that one of my fellow panelists has mentioned specifically one of the best ways that federal law enforcement agents and agencies can work with and integrate with positive investigative solutions for Indian country. And that in part has been cultural sensitivity. And by that, that's really awareness, cultural awareness. Here in Oklahoma, we have a practice that our tribal liaison and tribal law enforcement partners will work with our federal agency partners to educate them about tribal cultural practices, how things are unique from one tribe to another. I certainly would like to see more multi-jurisdictional task forces.

That is something that is successful in Indian country when we see a task force that partners well by pairing together: the Bureau of Indian Affairs, drug agents, tribal law enforcement, DEA, FBI, and others. I think that the mere factor of working together helped to break down some of those relational barriers. When you see that everyone is working towards a common mission, everyone has taken the same or a very similar oath to protect and serve. And you realize suddenly that we're all on the good-guy side trying to protect communities.

I also would note that another opportunity to discuss and look at how we better serve Indian country is whether or not there's more that the Justice Department can do with regard to supporting our tribal law enforcement partners from the federal side. That is the Bureau of Indian Affairs Office of Justice Services. Historically looking back at a 1997 report that came out of the Janet Reno DOJ Administration and then a study associated with the Tribal Law and Order Act conducted by tribal leader - some tribal participants, former Assistant U.S. Attorneys and tribal law enforcement looked at the possibility of moving the Office of Justice Services police function under the Department of Justice to partner it with Justice Department-related resources and a simple - and a similar mission. That is a bold suggestion. I know that. And it would be a major move and it's something that would require substantial consultation with tribes and with Congress to determine if it's possible or if that's even a good idea.

But I think it's something worthwhile to discuss as we look at how we can better provide resources to Indian country and how we can better prepare federal agents to integrate into tribal communities, to work with them hand-in-hand and recognize them as the true and equal and competent and capable partners that tribal law enforcement are because I will tell you I've had some of my best experiences, best witness interviews, come from tribal law enforcement officers that are working in their own communities. There's just no replacement for it. I hope that answers the question. Thank you.

Phil Keith: Thank you Mr. Shores and Chief Denke.

William Denke: Yes thank you Chairman.

William Denke: I'll just add a couple explanation points to Mr. Shores' last comment. I agree with you sir, and try not to be biased. But going back to the question, very fortunate on the collaboration side with federal agencies here in San Diego. Just I think there's for quite some time there's been a culture of collaboration between local, state, and all the federal agencies, you know, with it being an international border county.

But I've seen also some snags when it comes to collaborating with tribes. There's 18 recognized tribes in San Diego County. And I think just to be cautious, and I think Mr. Shores also hit on this, is that each one of those tribes or bands and maybe even they're a band of a larger tribe. Each one of those separate governments has its unique issues. And if it's distrust because of something that's happened in the past of, you know, it's - they have to be treated as individual sovereigns with their unique issues.

And I think when that happens it seems like that, you know, that wall just drops and all those agencies including the tribal partners can work together.

So I guess if there's anything I would like to get across here more than anything else is just making sure that the individual tribes, the tribal leaders, and if they have law enforcement programs that those federal agencies are trying to collaborate. They do it from government, specifically, that - the tribal government, not just trying to bring everybody in together thinking oh they're all Kumeyaay, they're all Kiowa. Whatever the bigger tribe is that each band, each government is recognized as a separate government. And I think it allows you to kind of I'd say not necessarily get over the hurdles but kind of like I said knock that wall down and work together. Thank you.

Matthew Rourke: Chairman, Chief...

Phil Keith: Thank you.

Matthew Rourke: Chief Rourke if I can.

Phil Keith: Chief Rourke you're recognized. Yes, you're recognized.

Matthew Rourke: Yes. Thank you. To keep three - just three simple points. I think the best thing to be bold about is communication between the two departments. The second would be investigations on intelligence, trust from both agencies that I've seen in the past. And the third one would be asset forfeiture. As we know when these criminals exploit Indian nations across Indian country it is almost sometimes - it is on the outside. And I've had this personal experience where they have - there's a trust issue because we know our community. To us that is very positive that we know what's going on, who the people are in our community, and those who exploit it.

And all three of those things, sometimes that lacks of whether or not a Tribal nation or tribal police department could be trusted because we know our community.

But we have great partnerships as you can see in my testimony with all of these. But again it seems there's reoccurrence when there is an issue of lack of communication, the lack of intelligence sharing, and even with the asset forfeiture again that at times they go after the big fish to get a narcotic smuggling or human trafficking or whatever that may be. And as much as they exploit us we don't reap the benefits of that asset because of our partnerships and bigger cases. Thank you.

Phil Keith: Thank you Chief Rourke. Judge Blake?

Richard Blake: I don't have any comment on this one. Thank you.

Phil Keith: Thank you. I know I heard another Commissioner with questions. Maybe not. Are there other questions from Commissioners?

Hearing no further questions let me close by thanking our panelists once again for your time and most valuable testimony and certainly the responses to the questions from our Commissioners.

On behalf of the Attorney General and his leadership team of Rachel Bissex and Jeff Favitta and all the Commissioners, your contributions provided today are certainly appreciated and will assist the Commission in their deliberations and work.

Also please check the President's Commission page for additional updates and documents and information on the main Justice website. We'll update it regularly when information is available for posting.

We will continue our hearings next week with a focus on community engagement. We'll be sending calendar invites out to all the Commissioners tomorrow. We want to once again thank the FBI for the use of their teleconference network and support as well as the federal program staff for supporting all of the work of the Commission.

Are there any questions or comments from Commissioners?

If there's no further business before us today the President's Commission is adjourned. Thank you Commissioners for your dedication and commitment. Have a good and safe weekend as we acknowledge and honor our veterans with Memorial Day.

Male: You too Phil. Appreciate you.

Male: Thank you, Phil, take care.

Male: Thank you, Phil.

Male: Thank you Phil.

Male: Thanks Phil.

Operator: Thank you Director and thank you all for your attention. This concludes today's conference. All participants may now disconnect.