



U.S. DEPARTMENT OF JUSTICE

President's Commission on
Law Enforcement and the
Administration of Justice

**Rural and Tribal
Hearings**

May 19-21 and 27, 2020

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Rural and Tribal Hearing Teleconferences
Week of May 18th, 2020

- **Tuesday, May 19th, Rural and Tribal Hearing 2:00pm to 3:00pm, Eastern Time**
Challenges Law Enforcement Face in Rural Areas
 - Ronald Parsons, United States Attorney, District of South Dakota
 - Michael Keller, Chief of Police, Andover Police Department
 - John Letteney, Chief of Police, Apex Police Department
 - Cheryl Laurenz-Bogue, State Attorney, Ziebach and Corson County

- **Wednesday, May 20th, Rural and Tribal Hearing 3:30pm to 4:30pm, Eastern Time**
Geographic Issues for Rural Communities
 - Mark Dannels, Sheriff, Cochise County Sheriff's Office
 - Bryan Schroeder, United States Attorney, District of Alaska
 - Danny Glick, Sheriff, Laramie Sheriff's Office
 - Kelly Lake, Sheriff, Carlton County Sheriff's Office

- **Thursday, May 21th, Rural and Tribal Hearing, 2:00pm to 3:00pm, Eastern Time**
Criminal Justice System in Indian Country
 - Trent Shores, United States Attorney, Northern District Oklahoma
 - Matthew Rourke, Chief of Police, Saint Regis Mohawk Tribe Police Department
 - Richard Blake, Chief Judge, Redding Rancheria Tribal Court
 - Bill Denke, Chief of Police, Sycuan Band of the Kumeyaay Nation Police Department

- **Wednesday, May 27th, Rural and Tribal Hearing 2:00pm to 3:15pm, Eastern Time –**
Public Safety Challenges within American Indian and Alaska Native Communities
 - Kurt Alme, United States Attorney, District of Montana
 - Kevin Allis, Chief Executive Officer, National Congress of American Indians
 - Leanne Guy, Executive Director, Southwest Indigenous Women's Coalition
 - Vivian Korthuis, Chief Executive Officer, Association of Village Council Presidents
 - Charles Addington, Director, Department of the Interior (DOI), Bureau of Indian Affairs (BIA), Office of Justice Services (OJS)



Tuesday, May 19, 2020

Ron Parsons

United States Attorney, District of South Dakota



Ron Parsons is the 42nd United States Attorney for the District of South Dakota. As U.S. Attorney, Mr. Parsons is the chief federal law enforcement officer for a district comprising the entire State of South Dakota, including nine Indian Reservations. He currently serves on the Attorney General Advisory Committee's Terrorism and National Security, Native American Issues, and Elder Justice Subcommittees. He lives with his wife, Elizabeth, and their two children in Sioux Falls.



Statement of Ronald A. Parsons, Jr.
United States Attorney, District of South Dakota
United States Department of Justice
Before the President's Commission on Law Enforcement and the
Administration of Justice

Chairman Keith, Vice Chair Sullivan, and Members of the Commission,

Thank you for this opportunity to testify today about law enforcement in the rural and tribal areas of our Nation, something that is very close to my heart. I currently serve as the 42nd United States Attorney for the District of South Dakota, a geographically large state with fewer than 900,000 residents, including those residing on nine Indian Reservations located throughout the state.

Before joining the Department of Justice, I worked as an attorney in private practice with same law firm for almost twenty years, representing clients from all walks of life, including farmers, ranchers, school districts, county governments, businesses both large and small, members of law enforcement, criminal defendants and prisoners, the State of South Dakota itself, and at least one federally recognized Indian Tribe. I currently serve on three subcommittees of the Attorney General's Advisory Committee: Terrorism and National Security, Elder Justice, and the Native American Issues Subcommittee, for which I head the Law Enforcement Resources working group.

The District of South Dakota is primarily rural in nature. It encompasses the entire state of South Dakota, which has a total of 77,116 square miles, of which over 18 percent are reservation or trust lands. The most recent census data puts the state population at 812,383, and a conservative estimate places the number of Native American residents at 68,976 (8.57 percent). The majority of the Native American population resides on the District's nine Indian reservations - each with its own history, culture, characteristics, and challenges.

The District has been an “Indian country district” since territorial days. What is now South Dakota was, and is, home to several different tribes that are commonly and collectively referred to as the “Sioux.” In the 1868 Fort Laramie Treaty, all of the land west of the Missouri River, in what is now South Dakota, was designated as the “Great Sioux Reservation.” In 1889, the Dakota Territory was divided into the separate states of North and South Dakota. At the same time, the remaining land of the Great Sioux Reservation was divided into smaller, separate reservations for various Sioux tribes. These reservations, along with those created east of the Missouri River, exist today as nine distinct Indian reservations within the District of South Dakota.

South Dakota’s enabling legislation and state constitution disclaimed state court criminal jurisdiction for cases arising in Indian country. An effort by the state legislature to assert Indian country jurisdiction in 1961 was unsuccessful, and South Dakota remains a non-Public Law 280 State. This means that the federal government retains exclusive jurisdiction to prosecute felonies arising on reservation lands. As a result, the volume of federal criminal cases arising in Indian country is relatively high as compared to the rest of the state, where federal jurisdiction is more limited. Approximately fifty percent of the criminal caseload for the United States Attorney’s Office for the District of South Dakota is comprised of Indian country offenses.

If one was forced to summarize the crime problem throughout the entire District of South Dakota in just one word, that word would be *methamphetamine*. South Dakota certainly has its problems with illegal opioids, such as heroin and fentanyl, and with abuse of alcohol and prescription drugs, but our drug problem and overall crime problem is overwhelmingly driven by meth. As most any federal, state, local, or tribal prosecutor here would confirm, whether you are talking about:

- aggravated assaults, domestic violence, sexual abuse, child abuse or neglect committed by those under the influence of drugs;
- robberies, burglaries, fraud, or embezzlement committed in order to get money for drugs;
- or drug trafficking itself and the violence and gun crime that are almost always associated with it,

when you scratch the surface of a serious crime committed in rural America, and look under your fingernails, you’re likely going to find the residue of meth.

Virtually all of the methamphetamine sold in South Dakota (and much of the heroin, fentanyl, and cocaine) is manufactured in laboratories located in Mexico or Central America, smuggled across our southern border, and then trafficked through sophisticated, ever-evolving distribution networks by drug cartels, who make billions of dollars per year from the suffering they cause. As soon as one local

distribution network is arrested and prosecuted, two more will have sprung up to fill the void. Increasing prevention and treatment availability is absolutely critical, but few things would more directly and immediately improve the lives of more men, women, and children living in this part of the country than dismantling the drug trafficking cartels and securing our borders to eliminate the methamphetamine problem at its source.

In my experience, the second-largest source of illegal drugs seized in rural America is the United States Postal Service. Use of the postal system to deliver drugs that have been ordered over the Internet or Dark Web and mailed from China or somewhere else in the world is extensive in this part of the country. Many of the drug trafficking conspiracies that we prosecute have an element in which the U.S. mail is utilized and our drug task force officers need to be able to quickly and lawfully intercept suspicious packages before they are delivered. Unfortunately, South Dakota has typically been assigned only two Postal Inspectors, one located on each side of our geographically large state. In my view, increasing the number of postal inspectors would have a profound impact on law enforcement's ability to combat the drug problem in rural America.

When I was asked to testify before this Commission, I was pleased to see that rural and tribal law enforcement issues were being addressed together. In rural America, Tribal citizens and those of us who are not members of an Indian Tribe often live and work together side by side, in the same communities and sometimes even in the same household. Like the air we breathe, the problems facing rural and Tribal law enforcement are one and the same. Even where the separation of governmental boundaries exists, criminals do not respect or recognize them. The same group of individuals committing burglaries or robberies in Rapid City also may be operating within the Pine Ridge Reservation. A con artist attempting to take advantage of the elderly in Sioux Falls may be attempting to perpetrate the same scheme on elders living on the Yankton Sioux Reservation.

Although political divisions and divisiveness undoubtedly linger, my experience has been that federal, state, local, and tribal law enforcement always work best when talent, information, and resources are able to be pooled. Tribal and rural law enforcement suffer from the same issues concerning lack of resources, lack of law enforcement personnel or "boots on the ground," lack of adequate training and equipment, lack of adequate jail or detention space, underfunded criminal justice systems and small departments unable to adequately police their large territories. There is little dispute that rural and Tribal America both need more cops on the beat in our communities, providing deterrence and interdicting crime, including more and better trained criminal investigators. Bridging divides between governmental entities and agencies becomes a necessity where law enforcement resources and personnel are finite and limited over geographically large areas.

Primary responsibility for the investigation of federal crimes committed on Indian reservations in States not covered by PL 83-280 (for instance, South Dakota, North Dakota, Wyoming, Arizona, New Mexico, Idaho, and Utah) lies with the Federal Bureau of Investigation (FBI) and the Department of Interior, Bureau of Indian Affairs, Office of Justice Services (BIA OJS). Both the DOJ and the DOI provide investigative, prosecutor, and training services to Indian Country which often overlap. Both DOJ and DOI maintain substantial bureaucratic management structures sustaining their work in Indian Country. In addition to investigative work, each funds remarkably similar activity in the areas of tribal courts, detention, technical assistance, and training programs. This results in costly duplication of services, confusion concerning lines of accountability, wasteful outcomes, and poor coordination. Anything that can be done to share costs and pool the limited amount of law enforcement resources available in rural and Tribal communities should be on the table for discussion.

The use of mutual aid agreements and cross-deputation of officers can alleviate some of these mutually intrinsic obstacles to effective law enforcement efforts. When agreements are reached, great success has been realized. A case in point has been a significant agreement, expressed in a Memorandum of Understanding, reached between the Crow Creek Sioux Tribe and South Dakota Highway Patrol whereby the SDHP assists the CCST police department in patrolling the reservation during the annual Pow-Wow. In South Dakota, this was both a historic development and one which can serve as a shining example of what good might come from other such agreements in the future.

One potential solution is for COPS grants and other funding mechanisms have built into them strong incentives for agencies negotiate in good faith to reach mutual aid agreements with neighboring agencies. This could take the form of a prerequisite to certain funding opportunities similar to that contained in the National Indian Gaming Regulatory Act which asks that State governments and Tribal governments consult with each other and seek a cooperative compact when opening a tribal casino. The continuation of certain grants might also be made contingent on the maintenance of such collaborative agreements in order to protect them from governmental bodies inclined to cancel such agreements because of non-law enforcement concerns. Those parties who reach agreements with their neighboring counterparts might receive more funding or funding for a longer period of time. Bringing law enforcement agencies together to pool resources for the funding of personnel, operations, and logistics can do a great deal to further their collective mission to stem the tide of crime in rural and Tribal communities.

Finally, I would like to highlight a true success story from South Dakota concerning the prompt federal investigation and prosecution of crimes in rural America and Indian Country. Historically, obtaining FBI forensic laboratory

results for evidence collected in Indian Country had taken anywhere from nine to twelve months in the District of South Dakota. With time-sensitive investigations involving violent crime and sexual abuse, this wait period was deemed unacceptable. In 2009, the Bureau began to explore the prospect of utilizing State labs to conduct forensic analyses. In 2010, the Bureau executed a Memorandum of Understanding with the South Dakota State Forensic Laboratory. This certified lab conducts important serological, DNA, trace, and ballistics analysis on all FBI evidence collected in Indian Country in the District of South Dakota. As a result, on average, the average wait-time for analysis has been cut from close to a year to between 30 and 45 days. This is an incredible, collaborative triumph achieved on behalf of the victims of crime in our part of the country.

The State Laboratory is fully accredited, meets or exceeds all applicable standards, and has resulted in effective prosecutions in the District of South Dakota. A similar contractual arrangement is in place serving part of the District of Arizona. The removal of South Dakota and many Arizona cases from the queue of requests for laboratory work in other districts has helped to reduce the logjam of requests submitted to the FBI laboratory – and thereby has reduced the average wait time for other districts. Given the overwhelming success of the FBI's contract with the South Dakota State Forensic Laboratory, we recommend that this model be protected where it exists and permitted to expand wherever it is needed, desired, and determined to be feasible.

As the COVID-19 pandemic arose and people everywhere took precautions to prevent the spread of the disease, an Internet meme appeared in our little corner of the world featuring a photograph of some of our beautiful, wide open spaces with the caption: "South Dakota: Social Distancing since 1889." But one of the true ironies of living in a rural setting is that the distances between homes and communities somehow seem to bring us closer together. Along the same lines, I've heard friends of mine who have moved to larger urban areas remark about feeling isolated and alone in the middle of the bustling crowds. Perhaps it is all just a matter of perspective.

Thank you for this opportunity to relay my perspective and some of my experiences and observations as a federal law enforcement official serving communities in rural and Tribal areas. I also want to thank the President for creating this Commission and commend all of you for your dedication in carrying out its critically important mission.

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Michael A. Keller

Chief of Police, Andover Police Department



Chief "Mike" Keller was appointed as Police Chief of the Andover, Kansas Police Department on May 14, 2007, after serving 5-years as the Chief of Police in Wellington, Kansas. Prior to Wellington, Chief Keller spent 21 years with the Wichita Police Department, where he earned the rank of Lieutenant and commanded a number of sections including Traffic, Patrol, Training, Community Policing and Community Affairs. Additionally Chief Keller has been awarded three Bronze wreaths of Valor and Two Bronze Wreaths of Merit for acts of dedication and bravery.

Chief Keller is a graduate of the 222nd Session of the FBI's National Academy, a graduate of the 2004 Kansas Police Administrator School, Leadership Butler (Class of 2009), and the 2010 Rural Executive Management Institute. Chief Keller is an Ethics and Diversity instructor and currently serves on the Butler Community College's Criminal Justice Advisory Board. Additionally, Chief Keller is heavily involved in the community, serving as an Advisory Board Member for the Andover Police & Fire Foundation, a member of the Andover Rotary Club and a Paul Harris Fellow, and a member of the national Fight Crime: Invest in Kids program. In October of 2009, Chief Keller was appointed Governor Mark Parkinson to serve on the Kansas Commission on Peace Officers' Standards and Training (KSCPOST) and re-appointed to the commission in 2012 by Governor Sam Brownback where he served until July of 2016. Additionally, Chief Keller has been an active IACP and KACP member for 18 years, serving as the Association's treasurer from 2007-2010, Vice President in 2010-2011 and again in 2017-2018, and twice the President, in 2011-2012 and again in 2018-2019. Additionally, Chief Keller was appointed and currently serves as the Kansas association's national SACOP representative.

Chief Keller holds a Master Degree in Administration of Justice with an emphasis in Education from Wichita State University, and a Bachelor's Degree in Administration of Justice from Wichita State University. He is a veteran of the United States Air Force and a native of Utica, New York.

Chief Keller was the recipient of the 2015 "Officer of the Year" award.

**FROM: CHIEF MICHAEL A. KELLER
ANDOVER KANSAS POLICE DEPARTMENT**

DATE: MAY 14, 2020

TOPIC: CHALLENGES LAW ENFORCEMENT FACE IN RURAL AREAS

Honorable Commission Members,

My name is Michael Keller, and I have been in law enforcement for over 40-years. I started my career in 1977 as a reserve officer in a small 12-member police department before joining the Wichita Police Department in 1979, the single largest law enforcement agency in the State of Kansas. I retired from the Wichita Police Department in 1999 after almost 21-years of service, and now have been a Chief of Police for a small rural law enforcement agency for over 18-years, with a sworn staff of 26 officers that serves a community of 13,000. I highlight this part of my resume because I believe it's important to demonstrate that I have experienced and have seen the issues and challenges in law enforcement, both from the large agency perspective, as well as from the small rural agency.

Much of what you are going to hear from me today, about the needs of small rural agencies, you heard last week during testimony from Sheriff William Brueggemann from Nebraska. Certainly there will be no surprises. Law enforcement agencies all have unique challenges individualized to their agency and their respective communities. And there are some significant law enforcement challenges that all agencies share, both large metropolitan agencies and small rural agencies! But small rural law enforcement agencies generally have many of the exact same issues and challenges that the larger agencies have, drugs, dealing with mental health issues, recruitment and retention, technology, training, etc. etc. But the one significant, constant difference is that the small rural agencies generally do not have the funding and resources available like the larger agencies have to deal with these challenges.

In 2019, under the guidance of Director Keith, the COPS Office partnered with the U.S. Attorneys' Office, the Bureau of Justice Assistance (BJA), and the National Police Foundation to conduct listening sessions with rural law enforcement leaders in five (5) states (South Dakota, Oklahoma, Utah, Iowa and Montana). The purpose was to hear personally about the challenges rural law enforcement departments face, and to identify and assess their most pressing needs. In late 2019 the COPS Office published "Concerns of Rural Law Enforcement: What we Heard from the Field." What the study pointed out was that rural law enforcement agencies share many of the same top issues/challenges that the larger agencies and communities have. However, often they don't have the funding or resources to deal with them.

"Concerns of Rural Law Enforcement" (Findings)

- Increase of opioid and methamphetamine related suffering and crime (Drugs)
- Recruitment/Retention problems (competing with urban police department salaries)
- Expense of Technology (body worn cameras, mobile computers, and license plate readers)
- Lack of resources for dealing with mental health issues
- Time consumption and other difficulties of applying for grant funding

After being asked to be a part of “Rural and Tribal Law Enforcement Working Group”, I took it upon myself to poll about twenty (20) rural Police Chiefs in Kansas and asked them similar questions. What I found was no surprise, that the rural law enforcement agencies in Kansas share many of the same issues/challenges as those in the other states.

Kansas Top Challenges for Rural Law Enforcement Agencies:

- Recruitment/Hiring (Difficult to Compete with larger agencies (Salaries, Benefits, Promotional Opportunities)
- Mental Health Resources (one rural city reported a 61% increase on mental health related calls in 2019 from the prior year.)
- Drugs (Marijuana legalization/Opioid Epidemic, etc.)
- Inadequate Funding (need more federal grants to fund additional staffing, technology and training)
- Lack of Quality Training

Inadequate Funding/Lack of Resources

It is fairly common knowledge that about half of our law enforcement agencies in the United States have fewer than 10 officers, according to a 2015 report from the Bureau of Justice Statistics, and a significant number of our law enforcement agencies, approximately 70 percent, are the smaller agencies that serve communities of fewer than 10,000 citizens. But federal funds and grants are not always available to the smaller agencies consistent with the larger agencies for a variety of reasons. Often times the smaller agencies do not have the resources, knowledge and/or expertise to even submit for a grant, much less handle the normal tracking and reporting that follow the actual award of a grant. While many of the larger agencies have full-time staff, dedicated to researching and seeking out grant opportunities, as well as, expertly trained grant writers to prepare and submit thorough and well written grant proposals, greatly increasing their odds of success, while for the smaller rural agencies, it is often the Police Chief, a detective, or even an officer that is tasked, over and above their normal duties, with finding, researching, writing and submitting their grants.

The need for federal grant funding is so much more needed by the rural law enforcement agencies. Many rural law enforcement agencies struggle to even provide basic equipment that their officers need, equipment such as vehicles, weapons, bullet proof vests, working portable radios, etc. Many times, without federal assistance, there is no money left for technology upgrades and purchases such as in-car cameras, body cameras, drones, license plate readers, or even current and quality training.

Federal grant funding needs to be made more readily available and accessible, as well as more proportionally distributed to the smaller rural agencies, so that the smaller agencies can compete with the larger agencies in providing an equal and quality law enforcement service to their communities.

Mental Health Issues and Resources

Police are often the first responders to individuals dealing with mental illness issues, and in rural communities may be the only responder. According to the Journal of the American Academy of Psychiatry and the Law, approximately 1,000 people in the United states were shot by police officers

during 2018, and people with mental illness were involved in approximately 25 percent of those fatalities. And the rural law enforcement agencies are dealing with those same individuals in the smaller communities. One rural city in Kansas reported a 61% increase in mental health related calls in 2019 from the prior year.

And as it stands right now, things are only going to get worse. The COVID-19 pandemic is pushing America into a mental health crisis that we aren't prepared to address. Social isolation, financial distress, fears about health and an uncertain future are worsening symptoms for people with mental health conditions and causing new mental health challenges for many others. Many departments, small and large are reporting their calls involving suicidal subjects over the past couple of months have more than doubled from this same time period a year ago. My own department has seen a 185% increase in suicidal subject calls from a year ago.

Not only do many of the small rural law enforcement agencies not have the necessary training to deal appropriately with individuals dealing with mental health issues, many agencies do not have the resources either. Many times, if an officer has to take an individual into protective custody because they are a danger to themselves or others, that officer is tied up with that individual for several hours. And, if the individual is actually committed to a secure facility, many times the rural law enforcement officer will be the one to transport the individual to that facility, which may be hours away from the officer's jurisdiction. For our officers, it is a 2-hour, 127-mile one-way trip to transport that subject to a secured mental health facility.

In regards to much needed training for dealing with the mentally ill, the Crisis Intervention Team (CIT) is an innovative first-responder model of police-based crisis intervention with community, health care, and advocacy partnerships. The CIT Model was first developed in Memphis and has spread throughout the country. It is known as the "Memphis Model." CIT provides law enforcement-based crisis intervention training for assisting those individuals with a mental illness, and improves the safety of patrol officers, consumers, family members, and citizens within the community. The CIT Model reduces both stigma and the need for further involvement with the criminal justice system.

A recent study led by Michael Compton, M.D., M.P.H. and published in the "Behavioral Sciences and the Law" journal has shown CIT-trained officers have increased usage of verbal negotiations, with referral to mental health units more likely and arrests less likely. However, the study also suggested that assigning all officers to CIT training, "may dilute the value of implementing a CIT program and not produce the outcomes desired." Instead, the study suggests that "agencies may want to consider assigning all personal to basic mental health response training, but reserve specialist CIT training for vetted volunteers."

Recruitment/Hiring/Retention

Recruitment, hiring and retention of Police Officers is a national problem that many law enforcement agencies are currently struggling. In recent annual "State Associations of Chiefs of Police" meetings (SACOP - the coordinating body between the state associations and the IACP membership as a whole), during roundtable discussions on law enforcement challenges with Police Chiefs from forty or more states, the recruitment of officers has been one of the top issues for the last several years.

And smaller rural agencies are finding it even more difficult to find and recruit officers into the profession. This is largely due to the smaller agencies not being able to compete with the larger agencies in salaries, benefits and advancement opportunities.

Additionally, the smaller rural agencies are often saddled with the additional problem of retention, because many times their young officers are lured away by the larger agencies. Some officers will come to the smaller agency just to obtain experience and get their basic certification, before transferring to a larger agency for higher salaries, additional benefits, and more opportunities. Smaller, rural law enforcement agencies need financial assistance in being able to compete with the larger agencies to recruit and train officers.

Federal funding and grants should be made available to the smaller rural agencies in order to attract and retain quality police officers. Federal funds and/or grants could be implemented, very much like similar programs that are used to attract doctors and teacher to the rural communities, where by providing hiring bonus programs or student loan forgiveness programs for officers that choose to serve in rural law enforcement agencies.

Lack of Quality Training

Rural law enforcement agencies throughout the United States have many of the same training needs as urban law enforcement agencies, as well as unique needs of their own. Training for small rural agencies has its own challenges and is difficult at best. First, many small agencies do not have the funds available to send officers to training. Next, even if the agency does have the funding to send officers to training, they often cannot attend the training because they are geographically isolated in remote parts of the state, and/or don't have the staff available to cover patrol shifts during the officer's absence. And finally, many small rural agencies do not have access to the technology or internet to provide or access remote or quality on-line training.

In the study previously mentioned, "Concerns of Rural Law Enforcement: What We Heard from the Field" conducted by the COP's Office reinforces the national need, stating "the Nation's small and rural law enforcement [agencies] deserve greater attention from the Federal Government!" This national need for rural training will best be met through a national response: the creation of National Rural Law Enforcement Training Centers (NRLETC). At the request of a 2020 solicitation made by the COP's Office, the Kansas Law Enforcement Training Center is currently in the process of developing and implementing a "National Rural Law Enforcement Training Center" (NRLETC) in Kansas with the sole mission of developing high quality training tailored to the unique needs of rural law enforcement agencies and the delivery of that training using instructional methodologies that leverage economies of national scale.

Federal funding should be made available to continue and expand the Rural Law Enforcement Training Center program into a regional concept, establishing regional centers throughout the country that will specifically address and meet the unique training needs of small and rural law enforcement agencies throughout the country.

Recommendations: (Five)

Federal Funding Recommendation: That federal grant applications, eligibility criteria and factors determining awards be re-tooled so that the final allocation of federal grant funds are fairly and proportionally distributed between large agencies and small rural law enforcement agencies.

Mental Health Recommendation: That additional resources be specifically directed to the small rural law enforcement agencies for the purpose of dealing with the mentally ill, including a mandate or strongly encouraged that all law enforcement officers receive Critical Incident Team (CIT) training, or at a minimum, mental health response training.

Recruitment/Retention Recommendation: That a federally funded grant program should be established, similar to doctor and teacher programs, to attract and retain quality police officers in rural communities through hiring bonuses and/or student loan forgiveness programs.

Training Recommendation One: That National Regional Policing Training Centers be established, similar to what is being currently developed in Kansas, and federally funded with a single mission of meeting the challenging training needs for rural law enforcement agencies.

Training Recommendation Two: That Federal Training opportunities, such as the FBI's National Academy (NA), the Federal Law Enforcement Training Center in Glynco, GA and Homeland Security's Center for Domestic Preparedness re-tool their selection process to ensure that small rural law enforcement agencies receive a fair and proportionate number of training opportunities.

Sincerely,

Michael A. Keller

Chief of Police

Andover Police Department

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Public Service Excellence through Compassion, Integrity & Commitment

John Letteney

Chief of Police, Apex Police Department



John Letteney was appointed Chief of Police for the Apex (NC) Police Department in December, 2012. From 2005 until his appointment in Apex, he served as the Chief of Police for the Southern Pines (NC) Police Department. In 2005, Chief Letteney retired as a Captain/Zone Commander from the Monroe County Sheriff's Office in Rochester, New York, where he was responsible for a police substation as well as law enforcement services for an international airport. During his 38+ year law enforcement career, he has served in patrol, investigations, training, accreditation, tactical operations, inspections and administration.

Chief Letteney is the 3rd Vice President of the International Association of Chiefs of Police (IACP), and is a Past General Chair for the IACP Division of State Associations of Chiefs of Police (SACOP). He is Chair of the IACP Investigations Policy Council, served as a Mentor for the IACP's New Police Chief Mentoring Project, and has served on several committees. In 2020, he was appointed by United States Attorney General William Barr to the *Respect for Law Enforcement and the Rule of Law* Working Group of the President's Commission on Law Enforcement and the Administration of Justice.

Chief Letteney is a Past President of the North Carolina Association of Chiefs of Police (NCACP), and received their Outstanding Service Award for 2015. He also received the 2013 Outstanding Law Enforcement Executive of the Year award from the North Carolina chapter of the National Alliance on Mental Illness (NAMI), was honored as the 2017 Chief of the Year by Special Olympics of North Carolina, and was named a "Magnus Gladio Leader" by the National Command and Staff College in 2018.

Chief Letteney obtained a Bachelor of Science degree in Criminal Justice from Rochester Institute of Technology, a Master of Public Administration degree from Marist College in New York and an Advanced Law Enforcement Certificate from the North Carolina Department of Justice. Chief Letteney is also a graduate of the Municipal and County Administration Course held at the University of North Carolina at Chapel Hill's School of Government, and is a graduate of both the FBI Command College and the 248th Session of the FBI National Academy.

President's Commission on Law Enforcement and the Administration of Justice

Testimony to the Rural and Tribal Law Enforcement Working Group

May 19, 2020

John Letteney

3rd Vice President, International Association of Chiefs of Police / Chief of Police, Apex (NC) Police Department

TOPIC: Challenges Law Enforcement Face in Rural Areas

Thank you for the opportunity to provide this testimony for consideration as the Commission, through the Rural and Tribal Law Enforcement Working Group, develops recommendations to improve law enforcement and the administration of justice.

Background

As you have seen from my biography, I have over 38 years of law enforcement experience in a variety of agencies, community types and positions. Currently, I serve as Chief of Police of a mid-sized, suburban agency serving a community of about 63,000; previously I served as Chief of Police for a small community of about 13,000, mainly comprised of retirees, those serving our military, the equestrian community and tourists. During the first 25 years of my career, I served in a Sheriff's Office in Western New York, working in diverse communities from a large urban city, to suburban towns and villages, and farms and rural areas. Through this experience, I have seen the opportunities and challenges of providing effective, efficient and professional law enforcement services.

From urban areas where it was not uncommon to have five or more officers in a city block, to densely packed suburbs containing residential, retail and commercial, to farming communities where one deputy would patrol a town of 45 square miles, the methods for providing professional law enforcement services were as diverse as the communities we served. As is true for our nation as a whole, there is no "one size fits all" way to enhance public safety, no single method to train and equip an officer, and no "best" way to engage communities. The skills I needed while serving violent felony warrants on that city block, were vastly different from the skills I needed to understand, protect and serve a rural community. From working as a team of three or four in the same patrol district, to being solely responsible for an entire town, with the nearest back-up officer being perhaps 20 minutes away, taught me the importance of tactics, interpersonal skills, and community respect.

As a substation commander in the suburban part of the county, my deputies handled a variety of calls that were different from those I experienced as a commander on the rural part of the county. The expectations of the community were different, as were the ways they would engage with their law enforcement agencies. Officers had to be more skilled in some ways, because they often handled calls on their own and a supervisor was not as readily available. Yet, most agencies rely on a generic basic academy and a training approach that is not community-specific. Agency-based field training programs fill in some of the gaps, yet most needed skills result from experience in a given area, which cannot be obtained through a limited period of time in field training.

In preparation for this testimony, I reached out to the Chair of the Smaller Department Section of the International Association of Chiefs of Policeⁱ (IACP), the President of the North Carolina Association of Chiefs of Policeⁱⁱ (NCACP), and various colleagues. It is from these varied perspectives, including my own, that I offer the following synopsis.

Challenges and Opportunities

Challenges beget opportunities, and our profession as a whole has a rich history of rising to meet the challenges we face. Law enforcement agencies serving rural areas generally fall into just a few categories; State-wide agencies (State Police), County agencies (Police or Sheriff), and smaller, local police. For example, in North Carolina, approximately 300 of the 515 municipal law enforcement agencies are rural in nature, with less than 20 officers. Several have fewer than 10, and, since every municipality, no matter how small, is responsible for

providing law enforcement services, some have a total sworn staff of one; the Chief. There are 100 Sheriff's Offices, one in each County, and two County Police/Metro Police agencies. The State Highway Patrol primarily focuses on traffic matters, while a separate agency, the State Bureau of Investigation, has responsibility for criminal matters. There is no state agency that provides a general community patrol/response function. While the system has inefficiencies and some duplication, the authority and responsibility of municipal, county and state law enforcement agencies are well define by statutes.

Each style of agency has challenges and opportunities, which become clearer when we understand, identify, and adapt to the needs of various types of communities. While not all of the following challenges are faced by all agencies, these are common themes when providing service in rural areas.

- *Connectivity/Technology*: Cell phone and internet connectivity in rural areas is generally less reliable, less available and more costly than in urban areas.
 - o So much of modern police work relies on good information flow, access to local, state and national systems and databases, efficiency of dispatch, response and reporting.
 - o Computer Aided Dispatch (CAD) and Records Management Systems (RMS) are generally proprietary, do not always integrate with other modern systems or legacy systems, are complicated and expensive, and require ongoing technical support. As a result, many agencies are using older systems, and many do not have a modern CAD or RMS system at all. These functions are then less efficient, and reporting of data, i.e. Uniform Crime Reporting (UCR) and National Incident Based Reporting (NIBRS), may be lacking.
 - *Recommendation*: Encourage technology providers to develop needed infrastructure through grants or other incentives so that rural areas can take advantage of the efficiencies and opportunities this technology provides. Continue to develop the FirstNet system in a cost effective manner for all agencies. Encourage a systems approach to CAD and RMS so that multi-agency, regional or state-wide solutions can be developed, implemented and supported regardless of agency size or vendor.
- *Equipment*: Rural law enforcement agencies often do not have necessary or up-to-date equipment. This is generally related to funding, however may also be related to a lack of personnel and/or expertise to adequately research, test, develop policy, and implement new technologies or equipment.
 - o It is not uncommon for smaller, less-funded agencies to forego replacing an aging vehicle, update uniforms or other equipment, or even provide new bullet resistant vests as recommended. They may not be able to afford body-worn cameras, mobile computers, license plate readers and other technologies.
 - *Recommendation*: Develop research assistance programs, publish “leading practices” for specific equipment implementation and replacement, provide funding assistance, and work with professional associations, such as the IACP, to further develop and distribute leading practice, policy guidance and grant solicitations.
- *Funding*: Rural law enforcement agencies often have funding issues. Most are small and compete for scarce resources with other, important government services.
 - o In most states, law enforcement does not provide revenue to the municipality; in those states that allow revenue generation from enforcement activities, there is significant concern from communities about “policing for profit” rather than for the altruistic goal of public safety.
 - o Elected or appointed officials may put pressure on police chiefs, command staff or officers to increase traffic enforcement to address budget needs. I am aware of at least one state that encouraged law enforcement agencies throughout that state to increase enforcement of vehicle registration laws because their revenue of fees and property tax had reduced due to low renewal rates.
 - o Mandates for annual training, equipment and specific services to be provided are often unfunded, and leave these agencies scrambling for how to comply within their existing budget. In some localities, body worn cameras are the latest item mandated for use by law enforcement officers. While this may have

- merit, unless it is coupled with adequate funding, it is unlikely that a rural agency will be able to implement a program with quality equipment, adequate training and defensible protocols.
- Grant programs are highly competitive, and are often based upon factors that make it unlikely a rural agency will be successful in a grant application. A small percentage of available grant funds are awarded to small or rural agencies, and many cannot meet matching fund requirements. Many are earmarked for specific programs, population centers, or size/style of agency, and others go to states, with a host of requirements that make it difficult for a small agency to meet, especially without the staff to write, manage and meet reporting requirements.
 - COPS grants generally are narrowly tailored to specific programs and policy matters that may not be applicable in rural departments. Rural agencies need funding for basic police personnel, vehicles, equipment, and training.
 - *Recommendation:* Existing grant programs through the Department of Justice and other federal agencies should be reviewed with the goal of providing a specific percentage to rural and tribal law enforcement agencies to enhance their ability to provide public safety services. Grant periods should be expanded (i.e. hiring grants should go to a five year period) with the first year grant at 100% of costs. Congress, as well as state and local legislatures, should not pass any law that requires training, equipment, modification of facilities or has any fiscal impact without first determining the depth of the impact on rural law enforcement agencies, and addressing any funding gap. Tribal agencies would also benefit from expanded opportunities and longer-term grants available through the Coordinated Tribal Assistance Solicitation (CTAS)ⁱⁱⁱ Congress should also reinstate and fully fund the COPS Technology Grant Program, with the goal of providing a specific percentage “carve out” to rural and tribal law enforcement agencies to enable them to acquire, maintain, and update necessary equipment.
- *Non-Law Enforcement Support Services:* Police officers are called to many situations that are beyond the scope of traditional “law enforcement”. While willing to serve and solve problems, police officers are not always best suited to effectively address all situations, yet are called because no other system effectively addresses the underlying issues.
- Rural communities do not always have the resources and diversion programs necessary to assist people in their time of need, or to provide wellness services to officers and staff. This issue affects tribal agencies as well, and the IACP Indian Country Section has made this topic a priority for research.
 - For example, in one rural North Carolina county, area Chiefs report they do not have adequate mental health care options. While many officers are certified in the Crisis Intervention Team model (CIT), to provide needed intervention outside the criminal justice system, the resources for diversion are limited. This adversely impacts the cycle of a mental health crisis and provision of treatment for consumers.
 - In other areas, agencies do not have the training time, staffing or funding to take advantage of the CIT program, or may not have a policy guiding police interaction with mental health consumers.
 - Homelessness, food security, drug treatment and basic social services are not universally available, resulting in either additional criminal acts that might be avoided if needed assistance was provided, or using the criminal justice system as a “solution” because people cannot always access other, more appropriate systems.
 - *Recommendation:* Enhance the ability of social service and mental health providers to address the needs of their community. Research and develop a model where social service, drug treatment, mental health and other service providers/representatives are integrated into the police response system (i.e. 911 Centers) and function as “responders” to requests for service where their system can provide a better solution than the criminal justice system. Encourage effective mental health training and policy development, using the IACP One Mind Campaign^{iv} as a guide.
- *Policy:* Staffing, training and potentially limited expertise may result in smaller agencies who do not have the time, staff or expertise to develop policies giving proper guidance. The result may be inconsistent delivery of services, greater chance an officer may not know how the agency wants a particular type of incident

handled, lack of documentation, inspection and review, and higher liability for agencies, staff, and municipalities.

- Technical assistance programs are a benefit to agencies who want to improve in this, and many other areas. The Collaborative Reform Initiative Technical Assistance Center^v (CRI-TAC), provides a no-cost opportunity for assistance.
 - Similarly the IACP, through its Model Policy Center and IACPNet subscription service, provides model policies and access to leading practices throughout the profession.
 - The Commission on Accreditation for Law Enforcement Agencies^{vi} (CALEA) enrolls agencies on a sliding fee scale based upon agency size, into various certification, recognition or accreditation programs which are used as management tools to help agencies develop defensible best practices and enhance service delivery. Many states and other organizations have state-based accreditation programs, managed by an arm of state government or their State Association of Chiefs of Police.
 - Member Associations may also provide some level of assistance or review. For example, in North Carolina, the North Carolina League of Municipalities (NCLM) is a member-driven organization representing the interests of cities and towns throughout the state.^{vii} As an insurer, they have an interest in reducing liability, and provide a Risk Assessment and Certification program specifically tailored to smaller law enforcement agencies.
 - While there appears to be many resources available, agencies who would benefit from these services often do not seek assistance. Some may not be able to afford the fee, but even without a fee, the cost to develop policies and/or come into compliance with a set of standards or leading practices is often costly in the form of staff time, infrastructure improvements, additional equipment, training, etc.
 - *Recommendation:* Develop a comprehensive toolkit of all available services and advertise the benefits to law enforcement agencies, and their “parent” government (city, county, tribe, etc.). Provide funding specific to enhancing policies and practices that relate to reducing liability and enhancing law enforcement services.
- *Staffing:* While all law enforcement agencies may struggle to fill their open positions, the problem is more significant in a rural agency. Lack of staffing impacts day-to-day operations, as well as the ability to participate in regional or federal task forces.
- For example, overall, about 7% of officers separated from agencies during 2008. The separation rate from agencies with fewer than 10 officers (20%) was 4 times the rate of agencies with 500 or more officers (5%), and resignations accounted for twice the percentage in agencies with fewer than 10 officers.^{viii}
 - Larger agencies often have officers assigned to administrative, specialty or other roles who can be redeployed if needed. Smaller, more rural agencies, often do not. Therefore, loss of even one officer can result in a challenge for that agency to carry out its primary mission.
 - Officers leave one agency to work in another for a variety of reasons. These include seeking a higher salary, better benefits, better equipment and technology, and more training opportunities. Others move for family reasons, or leave the profession altogether to seek employment in a non-public safety profession. Some officers believe they can make more money doing something else, or if even at the same or similar pay, the schedules are better and the risk is less.
 - While officers are concerned about their health and safety, they are also concerned about legal liability for “just doing their job”. Even when found to have been correct, the process of defending a lawsuit is arduous, and may agencies choose to “settle” rather than mount an adequate defense. This can leave officers feeling that they “did something wrong” when they did not, and that their agency/employer does not support them. These are generally not issues faced in private sector occupations.
 - *Recommendation:* In addition to related recommendations, reduce the ability for “frivolous” lawsuits, while balancing the need to use the civil process for appropriate review and redress when officers act in bad faith. Enhance recruitment and retention of officers to encourage them to serve in rural agencies. NOTE: I support the *Recommendations* made by Chief Will Johnson on May 12, 2020 to the Commission’s Law Enforcement Recruitment and Training Working Group that are related.

- *Training and Education:* The availability of annual and advanced level training may be limited in rural agencies. Officers who seek advanced educational degrees are challenged by the cost, availability of programs that fit rotating schedules, and geography of institutions.
 - In addition to basic, academy level training, most states have requirements for annual in-service training. Some training is designed to be conducive to on-line learning, and the increase of such opportunities is a good sign. However, on-line learning is not universally available, and if it is available, some agencies do not have the technology necessary to access it. As a result, officers often have to travel great distances to attend required academy or in-service training.
 - When facing shortfalls, the training budget is often the first to be reduced, indicating less focus on the importance of developing and enhancing skills of officers. Some states provide funding via a surcharge on court costs, traffic violation fines, vehicle registration fees, or other methods, so agency cost can be reduced or eliminated.
 - Skills-based training, such as firearms training and qualification, driver training, defensive tactics/subject control training, etc., is usually conducted in person, and require additional facilities, equipment, etc. In person training is often conducted outside an officer's normal shift, likely resulting in overtime expenses. If conducted during normal duty time, that officer is not doing his/her normal job during that time. In a smaller/rural agency that does not have a large staff, on-duty training may not be possible due to minimum staffing levels, etc.
 - Statewide training is usually generic, which for some topics may not be most appropriate. For example, in North Carolina, all sworn police officers must attend the exact same annual in-service training for the majority of the required hours. Each agency has the opportunity to choose additional topics to meet the minimum 24 hours of training. Chiefs of Police and senior command staff must attend as well, and often classes are not specific to their duties. With limited funds, agencies may not be able to send their Chief or command staff to additional important training, such as leadership development, human resource management, policy development, etc. Training police leaders in best practices for professional policing will result in a better quality of service delivered to our communities, through enhanced professionalism, community policing, and reduction of crime.
 - To that end, the NCACP has developed a New Chief's Training Program which is certified by the North Carolina Justice Academy as meeting certain training requirements; other state associations also have developed such programs. Additionally, the NCACP has incorporated a New Chief Mentoring Program, modeled after the program initiated by the IACP. In this program, experienced Chiefs are paired with new Chiefs to help them learn and grow into the position. Additionally, future leaders, and their agencies and communities, would benefit from investing in advanced educational opportunities.
 - *Recommendation:* Encourage multi-agency, regional or state-wide training and facility use to be conducted/made available in a cost effective manner, enhancing the use of on-line learning. Encourage funding by states, grants, etc. for training, including advanced level training for supervisory and command staff, utilizing the capabilities and networks of the state associations. Provide funding for tuition, fees and technology so that officers can earn advanced, college-level degrees (such as the former Law Enforcement Assistance Program of the 1970s).

Summary

Issues that affect rural law enforcement affect our communities, and our profession. While often attributed to President John F. Kennedy, but which originated in an economic conversation with the New England Council (Chamber of Commerce), the phrase "A rising tide floats all boats"^{ix}, is applicable to the law enforcement profession as well. If we invest in and support our rural and tribal agencies, our profession as a whole will improve, and our communities will benefit.

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ⁱ www.TheIACP.org

ⁱⁱ www.NCACP.org

ⁱⁱⁱ <https://www.justice.gov/tribal/grants>

^{iv} <https://www.theiacp.org/projects/one-mind-campaign>

^v <https://cops.usdoj.gov/collaborativereform>

^{vi} www.CALEA.org

^{vii} <https://www.nclm.org/who-we-are>

^{viii} Reaves, Brian A, *Hiring and Retention of State and Local Law Enforcement Officers, 2008 – Statistical Tables, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, pp.6, October 2012 NCJ 238251*

^{ix} <https://english.stackexchange.com/questions/230520/origin-of-a-rising-tide-lifts-all-boats>

Cheryl Laurenz-Bogue

State Attorney, Ziebach and Corson County



Cheryl Laurenz-Bogue currently serves as States Attorney in rural Ziebach and Corson Counties of South Dakota. Ms. Laurenz-Bogue has served as States Attorney in Ziebach County for over twenty-nine years. As States Attorney, she is the chief prosecutor as well as civil counsel for the County, prosecuting all adult and juvenile crimes.

Ms. Laurenz-Bogue has been active in the area of law enforcement and corrections. She served on the South Dakota Board of Pardons and Paroles, serving as Chair in 2004. Ms. Laurenz-Bogue has also served in the past as a member of the Governor's Task Force on Corrections, Adult Sentencing Committee; Chair of the State Juvenile Justice Advisory Council, Office of Juvenile Justice and Delinquency Prevention (OJJDP); Board Member of Federal OJJDP Board of Directors; member of the OJJDP Ethic and Cultural Diversity Committee; member of the South Dakota Juvenile Crime Enforcement Coalition; and member of the South Dakota States Attorney Association Board of Directors.

Ms. Laurenz-Bogue has been active in the South Dakota Bar Association and in her communities, serving in the past as State Bar Commissioner, Chair of the Indian Law Section of the State Bar, Board Member of Dakota Plains Legal Services; Board of Director of the State Bar Law School Foundation, as well as serving on other State Bar committees, community associations and organizations. Ms. Laurenz-Bogue practices in the federal, state and tribal courts of South Dakota, the 8th Circuit Court of Appeals, as well as providing municipal and State District and Tribal Grant school representation. Ms. Laurenz-Bogue continues a private practice in the areas of business and estate planning, agricultural law, tribal law and general practice.

Ms. Laurenz-Bogue's thirty year widely varied experience as prosecutor and attorney in rural counties and Indian Country brings a unique and valued perspective to the Commission.

WRITTEN TESTIMONY BEFORE THE PRESIDENT'S COMMISSION ON LAW
ENFORCEMENT AND THE ADMINISTRATION OF JUSTICE
Rural and Tribal Law Enforcement
Cheryl Laurenz-Bogue, Ziebach and Corson County State's Attorney

Honorable Commission Members,

Thank you for the opportunity to address rural and Tribal Law Enforcement issues before the President's Commission on Law Enforcement and the Administration of Justice. It is an honor to appear before you.

I have served as State's Attorney in Ziebach County, South Dakota, for over twenty-nine years. During this period of time, I have also served as the Corson County and Haakon County State's Attorney. I have served on various committees and commissions involving criminal justice as well as serving on the South Dakota Board of Pardons and Paroles. In addition to my duties as a prosecutor, I also advise my various County Commissions regarding civil matters. I also maintain a private law practice. I am licensed in federal, state and tribal courts.

My remarks before this Commission will speak to the needs of not just rural South Dakota but the needs of most rural areas in our Nation. Just as in South Dakota, the rural areas of our Nation are becoming more sparsely populated and more economically depressed. Most rural areas of our Nation are economically dependent upon agriculture. Globalization of agriculture places incredible financial pressures upon producers, decreasing incomes at a time when the cost of production soars. Counties and local governments struggle to raise sufficient revenue to cover the increasing costs of infrastructure and personnel. While the struggle of government to meet budgetary needs is an age old problem, rural America and South Dakota now struggle with the incredibly high costs of increased crime and substance abuse addictions.

South Dakota in particular is an economically, culturally and jurisdictionally diverse rural state. Most of South Dakota's population is in the far eastern portion of the State, concentrated in the area of the State's largest city, Sioux Falls, which spans both Minnehaha and Lincoln Counties. With the exception of a few larger towns, the remaining South Dakota counties are very rural, agriculturally dependent, sparsely populated and financially stressed. The lack of economic development results in a loss of population to more populated areas. As a result, the local economies continue to shrink and become virtually extinct.

Additionally, nine Federal Indian Reservations are located within South Dakota. While the Tribes geographically located in South Dakota have enjoyed a resurgence in culture and identity, they have also suffered increases in poverty and lack of economic opportunity. While some of South Dakota's Tribes have casinos, none generate sufficient income to substantially improve Tribal Member family incomes. The larger reservations endure the greatest poverty, with an unemployment rate over eighty percent and generational poverty which only further frustrates economic development.

As is the case for most rural areas of our Nation, the general decline of economic development and financial security in most South Dakota counties and within the nine Indian Reservations has resulted in substantial increases in substance abuse. This increase in substance abuse has fueled a sharp increase in property and violent crimes at the very time most local and Tribal governments are least financially able to combat the issue.

All jurisdictions within the United States struggle with the very real personal and financial costs of crime and substance abuse. However, rural communities lack financial resources to properly fund law enforcement. Most rural local governments in the country are forced to choose between funding law enforcement and other public infrastructure needs - often with infrastructure being funded at the expense of law enforcement. The usual compromise is a shift from statistically and forward thinking budgets to reactionary budgets, addressing emergencies in equipment and personnel only as the need arises. Years of this type of compromise have left most rural law enforcement agencies without sufficient personnel or equipment to address the sharp increases of property and violent crime. The result for most rural areas is a loss of community security and safety – once the hallmark of rural living. I urge a more carefully contemplated plan of increased federal funding for local law enforcement, prosecution and substance abuse treatment.

Without exception, most rural law enforcement agencies are in desperate need of additional personnel. In South Dakota, most rural law enforcement agencies operate with a substantial lack of personnel. For example, in Ziebach County, the Sheriff's Office consists of the Sheriff and two Deputies. The Sheriff's Office does not have a secretary or dispatch personnel. The Ziebach County Sheriff's Office is responsible for policing the entire county which has 2,800 people in 1,971 square miles. The Cheyenne River Sioux Tribal Police Department is responsible for policing the entire Cheyenne River Indian Reservation, consisting of 4,267 square miles with an approximate population of 11,195 Tribal Members, based upon current Bureau of Indian Affairs statistics. Currently, the Cheyenne River Sioux Tribal Police Department has only 15 patrol and highway safety officers. Given the vast geographic areas and the small department size, response time is greatly diminished as well as insufficient backup for officers in time of crisis. This lack of adequate staffing not only endangers the public but brings serious risk to law enforcement officers as well. The effect is overall department demoralization, undue officer stress, and significant issues for officer retention.

Rural and tribal law enforcement agencies also are in desperate need of technology, equipment upgrades and replacement. Faced with budget shortfalls, rural local governments generally address equipment purchases, repairs, replacement and upgrades from an emergency basis. For example, patrol vehicles are now replaced after reliable life expectancy rather than on an orderly rotation. Rural and tribal law enforcement usually have a small yearly stipend for uniforms and other personal gear, however most stipends are insufficient and officers must supplement from their own personal funds. Service arms are minimal, with most officers supplementing their firearm capability out of pocket. No law enforcement officer should ever be required to provide or supplement protective gear or firearms out of their own pockets.

Another area where federal funding could significantly improve rural crime rates is in the area of law enforcement equipment and training. In most rural areas, law enforcement can only afford to upgrade vehicles, safety equipment, firearms, non-lethal weapons, and technology when grant funds are available. The result is under equipped officers who are at a significant safety disadvantage when out in the field. Rural law enforcement also receive less training and situational practice than urban departments. Training is crucial to a professional law enforcement agency. Under trained, understaffed, overworked and under-equipped law enforcement officers may develop a mind-set of self-protection first rather than having the ability to adequately address potentially violent situations from a position of confidence. Situational training gives officers alternative methods of diffusing potentially dangerous situations which reduces risks to both the officer and the public. Rural and tribal agencies would greatly benefit from regionally based training on a more regular basis.

While technology can make a crucial difference in apprehension, arrest and conviction of criminal defendants for any law enforcement agency, rural law enforcement agencies often lag well behind the technology curve and such equipment is usually a second thought during budgetary process. Surveillance equipment is often sparse or non-existent, reducing the ability for officers to gain sufficient documentation for search warrant applications. Controlled substance testing cannot be done locally and are often sent to labs which are also dealing with substantial backlogs – the combination results in long waits for results from state health labs.

It is understood that supplementing each rural department with the latest and best technology would not be financially feasible or practical. However, a federally funded, regional approach to the procurement and maintenance of surveillance equipment, technology and controlled substance testing capabilities would greatly improve the technology capabilities of rural agencies without creating unnecessary duplication and waste. Pooled technology would not only increase the technology capabilities of rural and tribal law enforcement departments, but would also diminish the individual costs of upgrades and replacement of expensive but necessary equipment and software.

Rural local communities, counties and tribes are usually responsible for the cost of jail facilities. Construction, maintenance and staffing of jails is very expensive. Due to these very high expenses, most rural agencies in South Dakota do not have local jail facilities and forced to drive significant distance to utilize jails in other counties. Those jail facilities, in the few rural counties that have them, are often antiquated and also lack sufficient beds to address local and regional needs. Work release, while an option for some inmates and facilities, does not alleviate the reimbursement costs which often exceed the inmate's income. Federal funding for jail construction, upgrades and operational costs would significantly decrease the overall inmate costs, thereby making work release financially feasible for an inmate and incarceration a financially viable option for jurisdictions.

As previously highlighted, I want to emphasize that what is most desperately needed by rural and tribal law enforcement departments are additional boots on the ground. Law enforcement in

rural areas is, as a rule, significantly understaffed. This understaffing results in lack of coverage and less effective policing. Being able to properly staff an agency is perhaps the most crucial need rural areas face. It has been my experience and observation that one-time personnel grants do not address the situation in a productive manner. Local, state, and tribal law enforcement departments appreciate grant monies to supplement their personnel budgets. However, these grants are either too limited in duration or insufficiently funded to make any real change in the community. Personnel grants have typically been three year grant commitments which then leave local governments with the quandary of either reducing staff to pre-grant levels or finding local on-going funding to pick up the full cost of maintaining staffing levels. For most rural agencies, three years is insufficient to substantially change the environment in such a manner as to permanently reduce crime and thereby attract economic development. Without new economic development (i.e. additional tax revenue), most communities cannot afford to keep grant funded employees after the grant expires. Extending personnel grants to five and ten year commitments for low income areas would greatly increase the ability for rural communities to plan and budget for the additional personnel costs.

In conclusion, I do not want to leave the Commission with the impression that rural law enforcement and tribal law enforcement are not grateful for past federal grant assistance. Each and every law enforcement agency that I have worked with appreciates the support and assistance of the federal government. However, the past assistance has been limited in duration and not always in keeping with the greatest demands at the local level. The needs of rural and tribal law enforcement have never been greater and they are increasing at a time when local resources are stagnant at best. As I stated above, long term or permanent federal funding for personnel would result in the greatest and most immediate local benefit.

Thank you for the opportunity to address the Commission and to highlight some of the needs of rural and tribal law enforcement agencies.

Wednesday, May 20, 2020

Mark Dannels

Sheriff, Cochise County Sheriff's Office



In November 2012 and again in 2016, Mark J. Dannels was elected by the good citizens of Cochise County to serve as their 26th Cochise County Sheriff since 1881. I continue to be Humbled, Honored and Dedicated to my oath of office for this incredible opportunity to serve you all with my personal commitment to sustain your Quality of Life as you would expect and your Freedoms and Liberties as scribed in the United States and Arizona Constitutions.

Sheriff Mark J. Dannels is a 36-year veteran of law enforcement. He holds a Master's Degree in Criminal Justice Management from Aspen University and is a Certified Public Manager from Arizona State University. He has over 3000 hours of law enforcement training in his portfolio. He attended Disney's Leadership and Executive Training programs and is a graduate of the Rural Executive Management Institute. He began his law enforcement career in 1984 after serving a successful tour in the United States Army. He progressed through the ranks with the Cochise County Sheriff's Office to the position of Deputy Commander after working numerous specialty assignments and leadership roles to include an appointment by the Arizona Governor for his dedicated efforts directed toward highway and community safety.

Sheriff Dannels is a long time member of the Fraternal Order of Police, appointed member of the U.S. Department of Homeland Security Advisory Council, current member of the National Sheriffs Association where he serves as the Border Security Chairman, Southwest Border Sheriffs, Western Sheriffs Association, Arizona Sheriffs Association where he serves as the past-President, Arizona Peace Officer Standards and Training Board, Arizona Homeland Security-Regional Advisory Council, Alliance to Combat Transnational Threats, Border Security Advisory Council, High Intensity Drug Trafficking Area and serves on several community service groups; San Pedro Kiwanis, Just Kids Inc., CASA, Sierra Vista Elks, the Boys and Girls Club of Sierra Vista, the Varsity Wrestling Coach at Buena High School, and teaches at Wayland Baptist University and Cochise College. Sheriff Dannels participates in many community outreach programs such as Project Graduation, Sizzle, Stocking Stuffers, Community Haunted House, Men who Cook, Kars for Kids, Miss Sierra Vista and Shop with a Cop.

Sheriff Dannels has been recognized and awarded the Medal of Valor, Western States Sheriff of the Year, Outstanding Business Person of the Year, Marquis Who's Who, Sheriff's Medal, Deputy of the Year, Distinguished Service Award, Unit Citation Award, National Police Hall of Fame, Lifesaving Award and dozens of community-service awards from service groups and governmental organizations.

Sheriff Dannels is married to Nickie, a Registered Nurse. They have three sons, Justin, a Police Officer/Corporal with the City of Sierra Vista, Ryan a Firefighter/Paramedic with the City of Sierra Vista, and Corey, an Apprentice Lineman with the Sulphur Springs Valley Electric Cooperative.

Sheriff Dannels has 3 primary objectives: Organizational Development, Border Security and Community Outreach.

“A Sheriff for All the People”

Mark Dannels
Sheriff

Thad Smith
Chief Deputy

Office of the Sheriff Cochise County



Written Testimony Sheriff Mark J. Dannels Border Security from a Local Perspective

Opening Remarks

Honorable Commission Members,

I am humbled and honored at the opportunity to address you today in hopes of sharing an impressive-collective effort by law enforcement and community leaders at all levels in restoring “Quality of Life” and a sense of “Normality” back to our citizens that live on the southwest border.

My law enforcement journey serving the citizens of Cochise County for the past 36 years has been historical and eventful as the evolution of border security has directly impacted rural counties on the southwest border.

As our nation’s leaders debate the appropriate level of border security, communities throughout the United States are experiencing the direct impact of a southern border with inadequate measures, mixed messages, and outdated laws to deter those wishing to enter our country for illicit gain, leaving our southern border vulnerable to those wishing to exploit it. Criminal Transnational Organization (TNOs) have a long history of exploiting our southern border to transport illegal and dangerous drugs into our country and communities at the cost and risk to every American and their families. These TNOs exploit vulnerable humans who wish to enter our country illegally by providing false hope to these individuals only to expose them to a life of crime and modern-day slavery by trafficking these individuals for illicit and criminal gain.

Cochise County, a border county in southern Arizona, is a perfect example of how local community members and leaders, the Governor, and law enforcement from all levels, (local, state and federal) work together to identify and implement best-practices in securing our southern border. Where once Cochise County was the nation’s worst border region for

unlawful crossings, today we enjoy the benefit of having a border some call the safest and best it's been in 30 years.

Active Measures

The federal government has installed technology, physical barriers, and staffing within Cochise County in the vicinity of the two port of entries for the protection and security of these facilities. However, the areas between the ports of entry are left unprotected and inviting to ill-will activities of the criminal TNOs.

Working with stakeholders, Cochise County Sheriff's Office (CCSO) set out to strengthen these areas and reduce unlawful border crossings. The CCSO Southern Arizona Border Region Enforcement (SABRE) unit, utilizing a cost-effective surveillance camera system, has established a surveillance network with over 700 wireless cameras strategically placed in remote unprotected areas throughout our county and beyond based on intelligence, and information from private landowners. This system provides 24-hour surveillance every day and has an unlimited growth potential. By years end, it will have increased to over 1000 cameras with several more cameras being added in 2021. Most of these cameras were purchased with private funds in a collaborative effort by citizens working with our Arizona State Legislative members and their local Sheriffs.

This effort is supported by a dedicated prosecution team from Cochise County Attorney's Office who has vigorously prosecuted every drug smuggler apprehended with the aid of the surveillance network. To date, we have maintained a 100% conviction rate for all cross-border drug smugglers, to include juveniles. This collaborative effort has dramatically changed the landscape of the smuggler's world in Cochise County. Word of the surveillance system and vigorous prosecution has spread throughout the TNO's. We know this from post arrest interviews of smugglers and other sources, who readily admit smugglers are legitimately fearful of being discovered by the surveillance system and subsequent prosecution. So much so, they now seek alternative entry and travel routes in neighboring counties purposely avoiding Cochise County.

The CCSO Financial Crimes Unit was implemented to identify and seize the illicit financial gains by the criminal TNOs. This unit, with federal/state partners, is deeply rooted into our financial institutions building relationships for the purpose of targeting top tier TNO members responsible for organizing, financing, and profiting from the organization's criminal activities. FCU's efforts are having a major impact on TNOs along the border and throughout the State for that matter. The close collaboration

between FCU and SABRE has allowed investigations to be taken to new heights throughout the State and Country.

The CCSO Street Crimes/K9 Unit was designed to work street level narcotics throughout Cochise County. Teaming up and sharing intelligence with federal/state partners has resulted in some major arrests and drug and asset seizures that have impacted TNOs not only in Cochise, but adjacent counties was well.

The recent Intelligence Analyst program supported by DHS/DOJ has proven to be very beneficial in the sharing of all illegal activity from the border region to the interior law enforcement organizations throughout the United States and vice versa. This inoperability within law enforcement is vital to our continued and sustained successes.

Summary

Moving forward, the lessons learned from the efforts occurring within Cochise County, Arizona, can, in some form or another, be applied throughout the border regions of the country with success. I am proud to report that we can secure our borders in a way that the people we protect and serve would appreciate and respect. Currently, our efforts and programs have been introduced to the border Sheriffs in Arizona and New Mexico along with our local-state and federal partners as we come together for the good of our citizens in a multi-badge, one mission application.

No law enforcement agency can do it alone, but shared efforts and missions only serve to enhance our abilities to dismantle these TNOs and discourage others from engaging in this illicit behavior. Citizen on both sides of the border benefit from this effort and program reflecting our solemn Oath of Office for those we serve and protect.

I propose we take the efforts of Cochise County and continue to regionalize our successes along the southern border with my fellow sheriffs and beyond into the interior of our country by sharing our efforts at a regional level with other programs supported by intelligence sharing among all law enforcement for the good of those we serve and the oath we all proudly take.

Capitalizing on achievements of others is an ingredient of success that creates goodwill for law enforcement and reasonable consequences for those who choose to harm Americans and our way of life.

Sincerely,

Mark J. Dannels

Sheriff Mark J. Dannels
Cochise County Sheriff's Office
(520) 432-9505 office

Bryan Schroder

United States Attorney, District of Alaska



Bryan Schroder currently serves as the United States Attorney for the District of Alaska. He was appointed U.S. Attorney on November 9, 2017. He is a 1981 graduate of the US. Coast Guard Academy, and a 1991 graduate of the University Of Washington School Of Law.

Prior to becoming U.S. Attorney, Mr. Schroder served as the Acting U.S. Attorney for the District of Alaska, and previously served as the First Assistant U.S. Attorney and Chief of the Criminal Division. Mr. Schroder has served in the U.S. Attorney's Office for more than 12 years, prosecuting a variety of cases including violent crimes, drug distribution, gun crimes, fraud, tax evasion, environmental crimes, and fisheries and wildlife offenses. His significant trials included:

- *U.S. v. Wells*: a double homicide at Coast Guard Communications Station Kodiak;
- *U.S. v. Brandner*: a multi-million dollar wire fraud and tax evasion case, and;
- *U.S. v. Avery*: the largest wire fraud and money laundering conviction in Alaska federal court.

He also served in the Criminal Division as an Anti-terrorism prosecutor, and was the District Ethics Advisor.

Prior to joining the Department of Justice, Mr. Schroder served 24 years in the U.S. Coast Guard and is a retired Captain. In the Coast Guard, he served as Deck Watch Officer and Combat Information Center Officer on the U.S. Coast Guard Cutter Boutwell in Seattle, Washington; Criminal Investigator for the Southwest Region Organized Crime Drug Enforcement Task Force (OCDETF) in San Diego, CA; Principal Assistant District Legal Officer for the 17th Coast Guard District Legal Office in Juneau, AK; Special Assistant U.S. Attorney for the U.S. Attorney Office in Anchorage, Alaska; Principal Assistant District Legal Officer for the 7th Coast Guard District Legal Office in Miami, Florida (during this time, he also served as a Collateral Duty Special Court Martial Judge for the Coast Guard); Political Adviser for the U.S. Mission to the United Nations in New York; Deputy Staff Judge Advocate for U.S. Northern Command in Colorado Springs, CO; and Staff Judge Advocate for the 7th Coast Guard District in Miami, Florida.

Mr. Schroder is an Eagle Scout (with Bronze Palm).

Bryan Schroder
United States Attorney
District of Alaska

Thank you for the opportunity to address you today about the issues in my state, Alaska. In preparation, the Commission staff provided me with some guidance on how to approach our time:

- Identify the Challenges and Opportunities
- Fill in the Gaps
- Share Evidence-Based, Innovative, and Best Practices from the Field
- Provide Recommendations

Identify Challenges and Opportunities

The title of this panel is Geographic Issues for Rural Communities. Geography is certainly a central issue in Alaska. As many of you know, Alaska is the largest state in the union. In fact, Alaska is so large, if you split our state in half, we would be the two largest states. However, while size alone may be the core of the problem, it is not the only problem. The other significant issue for rural Alaska is the lack of road access.



This map, provided by the State of Alaska, shows the problem. The green areas show areas accessible by roads, either paved or dirt roads. The much

larger area, in orange, has no road access. That means if law enforcement officers need to respond to a town and village that has no permanent law enforcement presence, they have to fly, or maybe take a boat in the summer or snowmachine in the winter.

The legendary Alaskan weather exacerbates first two problems, the distance between villages and lack of roads, especially in the winter. The final crucial challenge is the limited number of law enforcement officers in rural Alaska. The Alaska State Troopers (AST) know the orange area on the map as C Detachment. In C Detachment, there are 60 sworn Troopers to cover 216,077 square miles and over 75,000 people. There are an equally limited number of services that support the law enforcement activity, including victim services.

On top of the physical challenges for law enforcement officers in rural Alaska is the crime problem itself. According to a 2016 study funded by the National Institute of Justice, more than four in five American Indian and Alaska Native adults have experienced some form of violence in their lifetime, and more than half of all American Indian and Alaska Native women have experienced violence from an intimate partner. The lack of law enforcement resources results in a high violent crime rate, especially in Alaska Native communities.

Fill In the Gaps

These difficulties create untenable situations, such as where a victim, maybe a juvenile victim, is the subject of an assault or sexual assault in a village that does not have a law enforcement officer. If this happens during a winter storm, the Troopers may not be able to get there for hours. They cannot drive to the scene, meaning they have to fly, which makes weather a severely limiting factor. While the Troopers work very hard to respond, these extreme situations sometimes leave a village, and most tragically a victim, trying to cope with the situation on their own.

Adding more law enforcement officers seems like a simple solution, but things in Alaska are rarely easy. To add a significant number of Alaska State Troopers would require an equally significant budget increase. The majority of the Alaska state budget comes from oil revenues. There is no state income tax or sales tax. When oil prices are high, the state budget can be plentiful. However, when oil prices are low, like they are now, the state government must stretch to meet all the needs of our citizens.

Even with better levels of funding, hiring and retaining law enforcement officers in rural Alaska is a challenge. While our state is remarkably beautiful, living in remote, roadless areas where winter can last 6-8 months of the year, is not for everyone. There are also a number of other fundamental issues, like adequate housing and the cost of living in remote locations. This means more funding is required for salaries and benefits that will attract new officers, and hopefully convince them to stay.

Finally, while it might seem reasonable to bring in additional officers, like federal or tribal law enforcement personnel, the jurisdictional status of rural Alaska makes that potential solution complicated. While the majority of the residents of the rural parts of our state are Alaska Natives [<https://live.laborstats.alaska.gov/pop/estimates/pub/13popover.pdf>], and there are 229 federally recognized tribes in Alaska, there is almost no Indian Country. Thus, these areas are under primary state jurisdiction. Adding law enforcement officers that do not have authority to enforce state law is not a workable solution.

Evidence-Based, Innovative Best Practices from the Field

For a number of years, the State of Alaska has worked with the Alaska Native community to institute a program putting hybrid officers known as Village Public Safety Officers (VPSO), into communities that do not have Troopers. These officers are trained by AST and work in conjunction with Troopers in the rural Alaska hub communities. Moreover, in an effort to make them more accountable to their communities, the VPSO's are hired and trained by regional tribal consortia. Most the funding is provided by the state in the form of annual grants. For a variety of reasons, this program is currently having difficulty filling positions, again leaving many villages uncovered.

Into this landscape, Attorney General William Barr visited Alaska last spring. No Attorney General in memory had spent more than a few hours in Alaska, always in Anchorage. AG Barr spent four days in the state, including visits to rural hub of Bethel, and the small villages of Galena and Napaskiak.



In the wake of that visit, the Attorney General declared a law enforcement emergency in rural Alaska, which opened the Emergency Federal Law Enforcement Assistance fund to supplement the needs of villages and communities. The Office of Community Oriented Policing (COPS) provided funding for 20 new Tribal Police Officers. 15 of those are either on the job or awaiting initial training, once the pandemic allows. The Bureau of Justice Assistance, along with the Office of Violence Against Women, also jumped in, providing \$42 million dollars in victim assistance funding. The EFLEA grant went to the State of Alaska, which recently awarded subgrants to 15 entities serving 31 communities to purchase or renovate law enforcement facilities in rural Alaska, which are badly needed. Along the same line, my office has been working with the Denali Commission, the Alaska National Guard, and the Department of Defense to identify unused National Guard armories in rural Alaska that can be renovated to provide useful victim support facilities.

Recommendations

The visit by the Attorney General highlighted the need for a cooperative effort between the federal government, Alaska Native tribes and organizations, and the State of Alaska. While the Attorney General provided support that is being used to fill in significant funding gaps, we must come up with new ideas to provide the public safety that rural Alaskans deserve, like all citizens of our state. I recommend that the federal government as a whole commit to continuing our cooperation with Alaska Natives and the

state government, including appropriate funding support. I can assure you that the United States Attorney's Office for the District of Alaska is committed to rural Alaska, and Attorney General Barr has demonstrated his continuing commitment as well.

Danny Glick

Sheriff, Laramie Sheriff's Office



Sheriff Glick has worked his entire 38+ year career in Laramie County with the Sheriff's Office.

Sheriff Glick began his career as a Patrol Deputy in July of 1981.

In November of 2002, the citizens of Laramie County elected Sheriff Glick for his first term of office, and most recently sworn in for his fifth term on January 7, 2019.

Sheriff Glick has served as President of the Wyoming Sheriff's Association, President of the Wyoming Sheriff's and Chiefs of Police Association, President of the Western States Sheriff's Association, and President of the National Sheriff's Association.



LARAMIE COUNTY SHERIFF'S DEPARTMENT
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Danny L. Glick
SHERIFF

LARAMIE COUNTY JUVENILE SERVICES CENTER
13794 PRAIRIE CENTER CIRCLE
CHEYENNE, WYOMING 82009

Wyoming's First County - Established 1867

May 19, 2020

Discussion points from Sheriff Danny Glick, Laramie County, Wyoming

Partnerships

- Local
- State
- Regional
- National

The true force multiplier for Rural Law Enforcement

rjm

Kelly Lake

Sheriff, Carlton County Sheriff's Office



Kelly began her law enforcement career as a Corrections Officer for the Carlton County Jail in 1989. In 1992, she started as a Patrol Deputy for Carlton County Sheriff's Office, also serving as a Drug Abuse Resistance Education (DARE) program instructor and Field Training Officer. She was promoted to the rank of Patrol Sergeant in August 2001. In 2005, the Carlton County Board of Commissioners appointed Kelly as Sheriff to fill the remaining term of the current Sheriff set to retire. In 2006, Kelly was elected Carlton County Sheriff and was re-elected in 2010, 2014, and 2018. Lake is a 2006 graduate of the FBI LEEDS, a 2008 graduate of the National Sheriff's

Institute, and a 2013 graduate of the Rural Executive Management Institute program. Kelly serves on the Carlton County Children & Family Services Collaborative Board, on the executive board of the Northeast Law Enforcement Administrator's Council, on the FDLTCC Law Enforcement Advisory Council, and currently serves as the Minnesota State TRIAD president. She served on the Executive Board of the Minnesota Sheriff's Association for 6 years, serving as President of the Minnesota Sheriff's Association in 2015. Kelly is married to her husband, Rick, and they have four children ages 20, 18, 11, 9. The Lakes raise beef cattle as a hobby and are active in the area youth hockey association having managed their children's hockey teams.

President's Commission on Law Enforcement and the Administration of Justice

Rural and Tribal Law Enforcement Working Group

Topic: Geographic Issues for Rural Communities

Written Testimony provided by Sheriff Kelly Lake; Carlton County, Minnesota

Honorable Commission Members,

I appreciate the opportunity to address the Commission and provide information to the Rural and Tribal Law Enforcement working group in the area of Geographic Issues for Rural Communities. My name is Kelly Lake. I have served as Sheriff of Carlton County, Minnesota since April 2005 where I was initially appointed to fill the unexpired term of the retiring Sheriff. I was since elected to the position of Sheriff in 2006, 2010, 2014, and most recently in 2018.

Smaller, rural agencies are expected to perform the same core functions as larger, metropolitan agencies, such as law enforcement, crime investigation, crime prevention, traffic control, jail operations, and often do so with less resources. While there are unique challenges presented to us, the rural landscape also comes with inherent opportunities.

Rural agencies have the benefit of a type of natural community policing having officers that live, worship, and socialize in the communities we serve. We have a shared sense of understanding and a true investment in healthy outcomes of our communities. Another benefit to rural policing is that due to the limited resources of one agency, long lasting partnerships and relationships are built with area non-governmental agencies, school districts, as well as other law enforcement and government agencies. This becomes evident in the sharing of equipment, task forces, emergency response teams, and critical incident teams for example.

I hope to provide some insight into challenges and opportunities for rural law enforcement agencies in the area of staff recruitment, retention, and training, school safety, funding, jail operations, information sharing and technology, limited access to resources for medical and mental health, and tribal and non-tribal agency collaboration.

Lack of funding is almost always a challenge for all law enforcement, but particularly so for rural agencies with a limited tax base who rely almost exclusively on levy dollars to fund governmental operation. Recruitment and retention of officers is a growing problem nationwide. There are not enough quality candidates available to fill the open positions. It is even worse for small, rural agencies that are unable to compete with salary and benefits packages of the larger metro areas. Smaller agencies are unable to offer many promotional or special duty assignment opportunities to attract and retain candidates as well. We know that retention of officers is not solely related to the pay they receive. Other factors such as training, equipment, and support received by their agency all factor in to their decision to stay with an agency.

Training can be cost prohibitive and often times impossible for agencies to attend. Agencies need to consider the cost of the training itself, but more importantly, the fact that there is a need to backfill for that officer attending so that agency staffing minimums are maintained. Specialized training is often only offered a considerable distance away from the rural law enforcement agencies. MN Department of Public Safety Commissioner John Harrington, Minnesota Attorney General Keith Ellison, and members of the working group on police-involved deadly force encounters recently released 28 recommendations and 33 action steps aimed at reducing deadly force encounters with law enforcement in Minnesota. In Recommendation 2.5, the working group stated that ...the Legislature should expand law enforcement training funding and ensure consistent implementation statewide, including across rural and smaller agencies. There is also a significant disparity between what larger metro agencies have available and what rural agencies have available in terms of officer wellness for both mental and physical health. Officer wellness is critical to retention of officers and maintaining quality services. Additionally, our staff is our greatest resource. Being able to ensure they are healthy and being afforded quality resources should be of critical importance to law enforcement agencies everywhere.

Funding for shared regional assets could assist rural agencies and provide them the resources to address training needs, as well as mental and physical health needs.

As we have seen with new technologies, training is one area that an on-line platform could be utilized if an agency has the hardware and internet connection to provide it. In Minnesota, the 87 Sheriffs collaborated to purchase and promote on line leadership training through the Institute of Credible Leadership (ICLD). This quality training that can be utilized either on or off duty, and has the ability to add customized training modules to fit the needs of critical issues that arise. Examples of this are critical incident stress and the impacts on law enforcement, or recent jail medical training.

Response times to emergencies can be up to and exceeding an hour or more. Officers need to be equipped to handle most cases on their own. There are extended wait times for back-up for critical high risk calls in some areas, leaving the officers and the victims vulnerable. Rural agencies are also faced with responsibility of search and rescue. In order for most of these rescues to be successful, the equipment needed often times exceeds the regular budget appropriated. Regular patrol vehicles are not conducive to certain rural terrain. More expensive higher clearance patrol vehicles or specialized rescue equipment needs to be purchased. There is technology available to assist with the successful outcomes of these searches, but again a lack of funding hampers these purchases. Funding for drones, thermal imaging, and remotely operated vehicles would be beneficial. The training and on-going maintenance, as well as replacement costs for such equipment is often lacking.

It is not uncommon for agencies to transport people 5-12 hours for a mental health treatment bed. An example just given to me was where a deputy in rural Minnesota transported a person in crisis to a local hospital, were turned away and headed to a hospital in a neighboring county,

only to be turned away and forced to drive over an hour away to another hospital to find a facility that had the resources to accept the person. This same transport time occurs when agencies drive to a prison in the state, transport an individual for a 10-15 minute court hearing in our counties, and then transport the individual right back another 5 or more hours the same day. This is being done by our deputies and officers that are on duty, also taking regular calls for service. This would take the officer out of service for calls sometimes up to six hours or more. This leaves the agency either short staffed, or forced to pay overtime to call in for replacement if there is even staff available to respond. Proper legislation and acceptance of secure video technology could mitigate some of these issues.

During this COVID-19 pandemic, agencies have been forced to look at operations differently. One change has been made due to Courts changing their operations. We have been allowed to utilize video court appearances in many instances. This has reduced staff time to escort the person to court. Not having to transport the inmates outside of the secure perimeter of the jail is definitely a safer alternative as well. Due to the geography of some courthouses in relation to the jails, this would also significantly reduce transport costs such as staffing, fuel, and vehicle wear.

Rural areas have schools that are geographically isolated. Most schools cannot afford to budget for a dedicated school resource officer (SRO). For rural law enforcement agencies on a restricted budget, SRO's are often one of the first positions cut when administrators are forced to make difficult decisions about staffing. SRO's in the school would limit response time to critical incidents. They are also there to build relationships with students. This is also a preventative measure whereby SRO recognizes the propensity for issues to develop before they become a larger problem.

Grant opportunities are available for rural agencies, but the struggle is often that agencies are lacking technical resources or staff resources to complete the usually lengthy and time intensive applications. Technical assistance to complete the grant applications and gather statistical information to aid in the application process would be helpful. Most of the grants for staffing issues are short term without the necessary funding to continue the positions. It is hard to justify the cost of hiring and training officers for these positions due to their short longevity.

It is imperative that we maintain jails and lock-ups that provide for public safety. These facilities are very expensive to build, operate, and maintain. While some funding is available on a limited basis for providing programming to those incarcerated, funding for building the structures typically falls to local taxpayers. With limited tax bases, this is a very difficult proposal.

Rural agencies often lack resources to provide for medical and mental health needs of those incarcerated without driving to larger city medical facilities that can be many hours away.

In Carlton County, for the past couple of years, we have utilized tele-mental health for our inmates, thus reducing the need to transport outside of our facility. This partnership between law enforcement, our local public health/human services, and a community mental health provider has saved time and money, but most importantly has allowed us to more quickly access these services for those in need.

Inadequate internet access in today's era of modern technology hampers many rural agencies. More efficient information sharing could be found utilizing technology, however the lack of high speed internet connections and in places cellular connections makes continually up to date information sharing amongst agencies difficult. Funding for a network of consistent high speed internet in rural areas would help alleviate the connectivity issues. Smaller agencies face challenges having staff with technical expertise or funding to acquire the hardware or software to aid in information sharing.

In order to implement effective evidence based practices, it is imperative for agencies to collect data to respond to the particular needs of the areas they serve. Smaller agencies lack the funding, technical resources, and manpower to keep up with this data collection. It would be helpful to have a template and tools developed that aid departments in managing data collection and analysis, as well as funding to purchase or have available to them, any necessary software or hardware associated with this.

Many of the 11 federally recognized Tribes in Minnesota have tribal police departments. State Statute (M.S.S 626.93) provides the tribal police officers authority to enforce state criminal law if a Cooperative Agreement between the tribe and the Sheriff/County/City exist. These agreements spell out jurisdiction, information sharing, operations, command, communications, and other things unique to each area as they deem appropriate and potentially unique to their community. Collaboration and communication is key to effective agreements. Absent these agreements in areas where both agencies serve; jurisdictional lines, communication, and authority could become blurred. The absence of these agreements can also bring an issue of representation. Cooperative Agreements have been working well in most all instances for the past 28 years in Minnesota. Where tribal owned land is a checkerboard of sorts and mixed amongst non-tribal lands and non-tribal members live on reservation land, the absence of such agreements could create a situation where some local residents could be deprived of their voice to democratically choose their law enforcement through elections of Sheriff or other municipal authorities (city council members overseeing local police agencies). This could occur because non-tribal members are unable to cast a vote in Reservation Business Council elections, and those councils ultimately oversee the tribal police departments.

A model agreement template and ways to constructively guide negotiations between local and tribal governments could be beneficial. It does need to be clear in any instance that one size does not fit all, and each agency's needs should be considered to best serve the needs of their communities. Those decisions are best left to the agencies themselves to consider at the local level.

I can recount many instances over my career in which our rural law enforcement at the municipal, county, state, and tribal levels have collaborated and cooperated in investigations, information sharing, and training opportunities to provide for public safety and achieve the best outcomes for all citizens and visitors to Carlton County.

I'd like to thank the Commission for this opportunity to highlight the challenges and opportunities facing rural and tribal law enforcement. As law enforcement officers, we are blessed with the opportunity to serve our communities. It is our duty to do this to the best of our ability.

Sheriff Kelly Lake
Carlton County, Minnesota
218-384-3236
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Thursday, May 21, 2020

Trent Shores

United States Attorney, Northern District of Oklahoma



The Honorable Trent Shores was sworn in as United States Attorney for the Northern District of Oklahoma on September 22, 2017. As the United States Attorney, Mr. Shores is the chief federal law enforcement officer responsible for all federal criminal prosecutions and civil litigation involving the United States in the Northern District of Oklahoma, an area covering eleven counties and including thirteen federally recognized Indian tribes. He leads a staff of more than fifty-five attorneys and support personnel to accomplish this mission.

On November 13, 2017, Attorney General Jeff Sessions appointed Mr. Shores to the Attorney General's Advisory Committee, a select group of United States Attorneys who provide advice and counsel directly to the Attorney General on matters of policy, procedure, and management. Mr. Shores was also appointed as Chair of the Native American Issues Subcommittee, a group of United States Attorneys charged with the developing and guiding national policy for Indian Country justice. Mr. Shores also serves as on the Tribal Issues Advisory Group, an *ad hoc* advisory group to the United States Sentencing Commission, as well as a member of the Attorney General's Management, People, and Performance Subcommittee and the Victim and Community Issues Working Group. In March 2019, he was selected as Co-chair of the Presidential Task Force on Protecting Native American Children in the Indian Health Services System, and in November 2019, Mr. Shores was appointed as a member of the Presidential Task Force on Murdered and Missing American Indians and Alaska Natives.

His leadership and vision have earned Mr. Shores recognition from the *Tulsa World* as one of 2018's People to Watch and by the *Tulsa Business and Legal News* as a 2015 Man of Distinction.

Prior to his appointment as United States Attorney, Mr. Shores served as an Assistant United States Attorney in the Northern District of Oklahoma from 2007 through 2017. He prosecuted human trafficking and child exploitation crimes, international organized crime, and public corruption. He also served as the National Security Cyber Specialist and worked closely with the Joint Terrorism Task Force to investigate and prosecute cybercrimes and domestic terrorism.

In 2015, Mr. Shores served as Oklahoma First Assistant Attorney General. As a top advisor to Oklahoma's Attorney General, Mr. Shores championed public safety measures to reduce violent crime, fought public corruption, and protected the interests of the State of Oklahoma and its citizens.

Previously, Mr. Shores served as the Deputy Director of the Department of Justice's Office of Tribal Justice in Washington, D.C., where he addressed a diverse array of criminal and civil legal issues facing Native Americans and Alaska Natives. He represented the United States at the United Nations and Organization of American States, where he negotiated declarations pertaining to the rights of indigenous peoples and advocated for the recognition of basic human rights for indigenous people worldwide. Before joining the Department of Justice, Mr. Shores served in the administration of Oklahoma Governor Frank Keating.

Mr. Shores graduated with a degree in political science from Vanderbilt University and received his Juris Doctor from the University of Oklahoma. He is a graduate of Leadership Tulsa Class 56. Mr. Shores is a citizen of the Choctaw Nation of Oklahoma and resides in Tulsa, Oklahoma, with his wife, Caitlin, and their two sons.

Statement of R. Trent Shores
United States Attorney, Northern District of Oklahoma
U.S. Department of Justice
Before the President's Commission on Law Enforcement and the Administration of Justice

Chairman Keith, Vice Chair Sullivan, and Members of the Commission,

Thank you for the opportunity to testify today about law enforcement and the administration of justice in Indian Country. It is truly an honor to be here, not only as a United States Attorney, but also as a citizen of the Choctaw Nation of Oklahoma.

First, please know that my testimony today was shaped by my experiences over the past 18 years working with law enforcement officers, justice officials, and tribal leaders to address public safety challenges in Indian Country. I began my legal career at the Justice Department's Office of Tribal Justice where I worked on a variety of criminal and civil law issues impacting individual Native Americans and federally recognized tribes, including state-tribal cross-deputation agreements, domestic violence intervention, and juvenile justice. Then, I served for more than a decade as a career federal prosecutor and tribal liaison in northern and eastern Oklahoma, where I had even more direct experience with the very real public safety challenges in Indian Country. I worked side by side with the Cherokee Nation Marshals Service, the Muscogee (Creek) Lighthorse, the Osage Tribal Police, the Bureau of Indian Affairs Office of Justice Services, and many others to investigate and prosecute violent crimes in Indian Country. Sadly, many of the public safety challenges in Indian Country that I saw early in my career persist today, especially violence against women and children and violence driven by substance abuse. I do not think these challenges are insurmountable, but I do believe we must collectively take action to address them – federal, state, and tribal partners working through collaborative law enforcement models to achieve a common mission to protect and serve our communities.

Today, I am honored to serve as the Chair of the Native American Issues Subcommittee, which is the oldest subcommittee of the Attorney General's Advisory Committee and is vital to the department's mission in Indian Country to build and sustain safe and secure communities for future generations. The NAIS is currently made up of 52 U.S. Attorneys from across the United States whose Districts contain Indian Country or one or more federally recognized tribes. The NAIS focuses exclusively on Indian Country issues, both criminal and civil, and is responsible for making policy recommendations to the Attorney General of the United States regarding public safety and legal issues that affect tribal communities. To that end, this NAIS has continued the tradition of those who came before us by working diligently to develop public safety solutions for Indian Country.

We reviewed and considered the Department of Justice's various approaches to improving public safety in Indian Country. We found that public safety challenges persisted despite the considerable effort and resources the department has committed to upholding the federal trust responsibility. To address those challenges, the Subcommittee identified four priority areas to improve public safety in Indian country: (1) Violent Crime; (2) Drug Trafficking and Substance Abuse; (3) Law Enforcement Resources; (4) White Collar Crimes.

The NAIS recommended specific policies to address each priority. The Attorney General's Advisory Committee unanimously adopted and supported these recommended policies. Department of Justice personnel already are pursuing and implementing some of those policies.

NAIS and the Department have worked quickly because the problem is urgent. Year after year, I have seen violent crime and substance abuse continue to occur at higher rates in Indian country than anywhere else in the United States. This is. In order to improve public safety for Native Americans, we must take swift and bold action, and we must do so in partnership with tribal leaders and law enforcement officials who know their local community best. When comparing Indian country to similarly situated rural communities, it is clear that there are

not enough police officers nor victim resources to adequately cover the needs of Indian Country. In my experience, police officers are vital to deterring crime, helping victims, and maintaining rule of law. Unless and until the Bureau of Indian Affairs and tribal police departments are more fully staffed, public safety challenges will persist. Additionally, we need better law enforcement training that will provide necessary techniques and resources to officers that respond to all crimes in Indian country, including cases of domestic violence and missing or murdered indigenous people.

There is no one-size-fits-all solution problems in Indian country. In the United States, there are 574 federally recognized Tribes. Each Tribe is unique in its governmental structure, cultural heritage, and law enforcement needs. Any solution must fit the local conditions of the tribe and include collaboration between tribal, state, and federal agencies.

Take my District as an example. There are 39 federally recognized tribes in Oklahoma, and 14 of those are in the Northern District. We have large tribes like the Cherokee Nation and Muscogee (Creek) Nation and smaller tribes such as the Pawnee, Miami, and Delaware Tribes. Each of these tribes have unique public safety needs and varied resources to address them. My team of Assistant United States Attorneys prosecutes a diverse array of violent crimes and encounters complex jurisdictional situations that require multijurisdictional cooperation between federal, state, and tribal entities to pursue justice for many victims. Based on my experience, I believe collaborative law enforcement models work best, especially for resource-challenged police departments in rural areas and in Indian Country.

Of course, collaborative law enforcement requires individuals on the ground to collaborate. This is not always the case throughout Indian country. There is occasional friction between some state and local officials with tribal officials. This friction sometimes harkens back to historical injustices. Other times, the friction is the result of more recent relational failures. That being said, it has been my experience in Oklahoma that when the men and women of law enforcement sit down in a room together – be they tribal, local, or state officers – they find a common bond born out of a common mission. Regardless of whom they work for, each and every member of the law enforcement joins because they believe selfless and courageous individuals must serve to keep their communities safe. Out of this common bond, comes productive partnerships. I know it is possible to forge great working relationship between tribal and local law enforcement where there previously had been none. The Cherokee Nation Marshals Service, for example, now has more than 60 cross deputation agreements with state and local law enforcement agencies in northeastern Oklahoma. And the Wyandotte Nation Tribal Police contracted with the small community of Wyandotte, Oklahoma to provide dispatch and law enforcement services to the non-Indian community. The Tulsa Police Department now cross-deputizes its officers with area tribes to ensure seamless policing if and when crimes implicate different jurisdictions. These are the epitome of collaborative law enforcement partnerships among tribal, state, and local law enforcement, and the result is more comprehensive and better resourced law enforcement services. Collaborative law enforcement models should be a common and model practice throughout Indian country.

Indian Country Jurisdictional and Federal Law Enforcement Framework

Obstacles facing law enforcement in Indian Country begin with the extremely complex jurisdictional framework. Tribes always retain criminal jurisdiction over Indians within their lands. In the majority of Indian country jurisdiction the Federal government also exercises criminal jurisdiction over serious felonies. In some states, such as Alaska and California, Public Law 83-280 transfers Federal Indian country criminal jurisdiction to the state. In addition, there are unique stand-alone statutes that provide for jurisdiction over Indian country by the state and federal governments. Many of my esteemed panelists speaking here today come from jurisdictions in which the state has criminal jurisdiction in Indian county, and they are better positioned to describe criminal jurisdiction in a PL 280 state. For the remainder of my testimony, I want to focus on the most common Indian Country jurisdictional scheme that involves the federal government serving as the primary violent crime

prosecutor. The United States Attorney is the chief federal law enforcement officer in his or her district. The U.S. Attorneys' Offices with Indian country in their districts play a primary role in the Justice Department's interactions with tribes. U.S. Attorneys' Offices often are the central point of contact when federal involvement on reservations is necessary, from investigations to prosecutions to providing services to victims. Every U.S. Attorney's Office in a district that includes Indian country or a federally-recognized tribe has at least one Tribal Liaison and some districts have more than one. Along with the requirement that each relevant office appoint a Tribal Liaison, the U.S. Attorneys are required to hold annual consultations with tribes in their districts. In order to assist the U.S. Attorney's Offices and the NAIS, as well as to serve as a liaison to other department components, the Executive Office for U.S. Attorneys (EOUSA) formally established the position of Native American Issues Coordinator. The primary responsibility for the investigation of federal crimes committed in Indian Country in states not covered by PL 83-280 (for instance, South Dakota, North Dakota, and Arizona) lies with the Federal Bureau of Investigation (FBI) and the Department of Interior, Bureau of Indian Affairs, Office of Justice Services (BIA OJS). These agencies have investigative responsibility for most felony crimes committed on approximately 200 Indian reservations. Currently, there are approximately 140 FBI Special Agents and 142 BIA Agents working in Indian Country—about 1.4 agent per reservation. These agents often serve as one of a very small number of federal agents investigating crimes on multiple reservations that are commonly separated by great distances. This reality means that federal agents depend on tribal law enforcement to serve as first responders and assist in the investigation of crime occurring in Indian Country.

Need for Enhanced Law Enforcement Resources

Law Enforcement resources are scarce in Indian Country. This very real lack of resources has led to tragic outcomes and complications for victims seeking justice. These types of cases and situations are all too common in Indian Country. We must improve our federal efforts to meet the needs of officers handling these difficult cases. We must give them the resources necessary to investigate and prosecute criminals while also helping them give a voice to victims.

The most important need to address crime in Indian country is boots on the ground. Federal law enforcement agencies lack the agents necessary to address the needs of tribal communities. Their tribal law enforcement counterparts are also too few in number, especially when stacked against comparable non-Indian communities. Public safety in Indian Country would be significantly enhanced by having local law enforcement staffed at levels comparable to similarly situated communities off-reservation. The Indian Country staffing issues facing FBI and BIA-OJS lead to regular personnel changes, which negatively impact criminal investigations and prosecutions. BIA-OJS law enforcement and funds for tribal law enforcement are insufficient, and the problem is amplified by severe recruiting and retention challenges that, especially for BIA, leave their force well below the appropriated level. Communication challenges between the FBI, BIA-OJS, and tribal law enforcement can exacerbate these and other problems. Funding streams, employee screening, incentives, and other alternatives must be considered and administered effectively to enhance federal investigative and prosecutorial capacity in Indian Country.

Following President Trump's example, the NAIS supports bold ideas, and we need bold ideas to meet the daunting needs of Indian country. From day one of his Administration, President Trump has championed the improvement of resources, public health, and public safety in rural America, including Indian Country. He has demonstrated a willingness to make bold moves that correct historical inefficiencies or bureaucratic disorganization that frustrate the delivery of a core government service to the public. As such, the NAIS looked at the Department of Justice's and Department of Interior Bureau of Indian Affairs' public safety roles in Indian Country. While some of the ideas are still being formed, I would appreciate the opportunity to get your thoughts when we move to the Q and A portion of the panel.

Improvements to Training are Essential

Indian Country presents unique challenges for all law enforcement working with tribal communities. Federal law enforcement must investigate crimes in Indian Country, such as felony assaults, that few who work in the agency outside of Indian Country ever investigate. They must deal with the complex jurisdictional framework discussed above. They also need to understand the cultures of the particular tribes with whom they work before entering and working with tribal communities.

To address this problem, the FBI and BIA OJS developed a joint training course that is held in Artesia, New Mexico. This training is jointly taught by FBI and BIA “mentors” and includes instruction in forensic evidence collection and preparatory instruction on investigations common to Indian country, such as domestic violence, child abuse, violent crimes, and drug trafficking. This course is held several times each year. Although this is an excellent initiative, we still see difficulties in getting FBI agents new to Indian country into this training before they begin their service in Indian country. Often, these agents work in Indian Country for three years only to transfer to another office. Insufficient training and a shifting personnel assignments lead to a breakdown in tribal and federal relationships and can negatively impact investigation and prosecutions.

The problem is more acute among tribal officers. When it comes to training for tribal law enforcement, the need in Indian country is great and constant. There is very little room for specialization when it comes to working violent crime on reservations and personnel turnover is typically high. First responders have to be skilled at crime identification, rendering first aid, evidence collection, conducting trauma informed victim interviews, eliciting pertinent information from witnesses and interrogating the suspect. These skills must be employed in every type of crime from misdemeanor trespass to the most heinous of rapes and murders. Frequently, the first responder is the first and only law enforcement official at the scene doing his or her best to manage community members frequently gathered, to safeguard the integrity of the crime scene and to conduct a preliminary investigation. All of this is against the background of the complicated criminal jurisdictional matrix found in Indian country where multiple jurisdictions may have the legal authority to investigate and prosecute the same offense.

Training provides these first responders, and also prosecutors, advocates, court staff and medical workers, the essential tools needed to safely and competently do their jobs. Ever since the passage of the Tribal Law and Order Act, the Department has worked hard to improve the training available to Indian country officers and agents. The Department believes that ensuring access to quality training is a necessary element to bolstering tribal autonomy. In July 2010, EOUSA launched the National Indian Country Training Initiative (NICTI) to ensure that federal prosecutors and agents, as well as state and tribal criminal justice personnel, receive the training and support needed to address the particular challenges relevant to Indian country prosecutions. Importantly, the Department covers the costs of travel and lodging for tribal attendees at classes sponsored by the NICTI. This allows many tribal criminal justice officials to receive cutting-edge training from national experts at no cost to the student or tribe.

But that training requires resources. With the resources it has, the Department has trained tens of thousands of criminal justice and social service personnel working in Indian country, many of which traveled to the National Advocacy Center in Columbia, SC, for training. These students represent more than 300 different tribes, USAOs, and federal, state, and tribal organizations serving Indian country. But despite that success, the NICTI and other training efforts in Indian Country have never received adequate resources. With additional resources dedicated to training law enforcement in Indian country, we could reach even more criminal justice and social service professionals working in and with tribal communities. We could take more training out into the field, making it easier for busy AUSAs, federal law enforcement, and tribal personnel located west of the Mississippi to attend these critical trainings. Resources for Department sponsored training is one important area that this Commission should consider.

Better Data is Vital for Improved Resource Allocation

At the same time, we know that we must use the resources we have more efficiently. For that, we need data. We have taken steps in the right direction. For example, Department attorneys now tag cases as Indian country cases in our internal case management system. DOJ investigative and prosecution information is reported to Congress and the public each year. But despite these steps, problems persist. One of the biggest issues we face is that tribes are not required to provide all crime data to the federal government. Currently, tribes are only required to report information to BIA-OJS that is included in the FBI's Uniform Crime Report, which does not include many crimes of interest, such as domestic violence violations. Without this data, it is very challenging to check whether the Department is using its resources efficiently while addressing tribal public safety needs in individual locations. In addition, the Department developed the Tribal Access Program, which gives Tribes access to national crime databases and provides the ability for Tribes to enter protection orders and to utilize other important functions in these systems. The Commission should consider ways to foster improvements in law enforcement data collection and sharing needed to enhance justice for Native American and Alaska Natives.

The issues of missing and murdered indigenous people exemplifies the need for additional data. President Trump signed Executive Order 13898 on November 26, 2019, forming the two-year Presidential Task Force on Missing and Murdered American Indians and Alaskan Natives, of which I am a member. The Task Force, also known as Operation Lady Justice, focuses on enhancing the operation of the criminal justice system and addressing the legitimate concerns of American Indian and Alaska Native communities regarding missing and murdered people. The work of the Task Force is concentrated on meeting with tribal leaders and communities, improving the response by law enforcement, communities and systems, reviewing research and data collection, and developing an outreach campaign. It has become very apparent to the Task Force that some data about missing indigenous persons is incomplete and not up to date, and needs to be better utilized to ensure that all missing indigenous persons are being looked for. It is extremely difficult to develop a cure for a problem when its scope is unknown. The United States must continue to lead by example to promote and protect the inherent rights of indigenous people. We must work with our tribal and state partners to combat violence against Native Americans and Alaskan Natives by collecting better data to address their specific needs.

Call to Action

I have only touched the surface of the many obstacles law enforcement must overcome in Indian Country. The Department has made great strides to enhance public safety in tribal communities, but we have a long way to go. We recognize that our goal of lasting public safety in Indian Country is largely dependent on our commitment to empowering tribal governments and partnering with them to carry out tribal solutions for challenges facing their communities. Additionally, we must improve coordination and collaboration at the federal, tribal, and state levels. Thank you for your work on this Commission and your dedication to improving public safety in Indian country and rural communities. I have no doubt that the policies and solutions you develop will hold the Department to the highest standards and will place law enforcement in Indian country in a prime position to better protect the communities these brave men and women serve. Thank you again for the chance to provide testimony today and I look forward to our panel discussion. I am happy to answer any questions.

Matthew Rourke

Chief of Police for the Saint Regis Mohawk Tribal Police Department



Matthew J. “Matt” Rourke is Chief of Police for the Saint Regis Mohawk Tribal Police, where he has devoted his law enforcement career for the last 22 years. He takes great pride in serving and protecting his own Mohawk community of Akwesasne.

Since his entry as a Tribal patrol officer in 1998, Matt Rourke continued to rise in rank to Corporal in 2004. In 2007, he was promoted to Detective/Sergeant, the first in the history of the Saint Regis Mohawk Tribal Police. He became Acting Chief in 2014, and after a national search, was named Chief of Police in 2015.

The 35-member SRMT Police Department handles some 7,000 service calls annually. It is a respected partner to multiple U.S. and Canadian law enforcement agencies that serve the Northern border region. Matt Rourke’s experience and leadership of investigative teams has led to the resolution of several high-profile cases, including missing persons, narcotics cases, and homicide on the St. Regis Mohawk Indian Reservation.

The Tribal police department under Matt Rourke’s leadership strives toward victim- and family-centered response. It cooperates with the Saint Regis Mohawk Tribe’s Healing to Wellness Court, provides three School Resource Officers, and participates in several community preventive efforts that positively impact youth and elders.

Matt Rourke is a lifelong resident of Akwesasne. He and wife Sandy have two children.

Education

New York State DCJS Zone 9 Training Academy

B.S., Criminal Justice, SUNY Brockport

A.S., Criminal Justice, Herkimer College

Credentials

Cross Customs Designation, Homeland Security Investigations (Title 19) Special Law Enforcement Credentials (SLEC), Bureau of Indian Affairs International Border Enforcement Team (IBET)

Franklin County Task Force

St. Lawrence County Task Force

Recognition

2018 Employee Enrichment Award, Member of Unified Incident Command

Written Testimony

Matthew J. Rourke
Chief of Police
Saint Regis Mohawk Tribal Police

Commission Topics:

1. Recruitment and Retention
2. Grants and Funding
3. Border/Jurisdictional Related Issues

Introduction

The Akwesasne Mohawk territory is located along the U.S.-Canada border in Northern New York State. Approximately 30 square miles in size, the reservation sits at the confluence of the Saint Lawrence, St. Regis and Racquette Rivers. It is directly adjacent to the Akwesasne reserve, with lands and waterways extending into Ontario and Quebec, Canada. The Saint Regis Mohawk Tribe (SRMT) is the duly elected and recognized government on the southern, or U.S., portion of the federally recognized Indian community.

The Mohawk people of Akwesasne have a strong cultural identity, and consider both “sides” of the territory one community. This unique location has contributed directly to our community’s complexity and influence.

The Saint Regis Mohawk Tribal Police Department (SRMT PD) currently has a 35-member staff, including a Patrol Lieutenant who oversees 25 patrol officers. We employ a K-9 Officer, a Professional Standards Officer, three School Resource Officers, and a Community Resource Officer. Our Investigative Lieutenant oversees a unit with specialized training in intelligence gathering, sexual assaults, crimes against children, forensic interviewing, and narcotics investigations. The SRMT PD employs a Marine unit and a Mobile Command Bus. Six communication officers direct dispatch and 911 referral calls. This exceptional group of officers handles approximately 7,000 service calls annually.

Recruitment and Retention

The workforce of the SRMT PD is 95 percent Native American. The complex web of laws and jurisdictions around Akwesasne, combined with our efforts to strengthen community oriented policing, make it essential that our officers and detectives come from the community they serve. I believe this is just one of our success stories.

We face a number of recruitment challenges. One example is the Federal background check conducted by the Bureau of Indian Affairs. It is common for recruits who are Akwesasne community members to face challenges during the

background investigation because they may have been born in Canada or on the Canadian portion of the community.

As a remedy, SRMT PD has educated our law enforcement partners about the Jay Treaty of 1794 and its recognition of the right of Canadian Indians to move freely and work across the border. This has been a successful strategy, increasing our candidate pool to include all of Akwesasne and other Native Canadian communities.

Retention of officers is another challenge. Our Tribal police department is presently unable to offer a pension. Officers are offered a 401(k). Lack of a defined benefit pension plan has made recruitment difficult, and has resulted in the departure of officers pursuing better benefits elsewhere.

Burnout among police officers has a negative impact on any department. This has been our experience as well. Combined with the lack of a pension, most Tribal officers reluctantly stay on active duty well past a plateau or burnout, undermining the effectiveness of both the officer and the department.

Lastly, the SRMT PD has policing authority under the Bureau of Indian Affairs and New York State but does not reap the benefits of either's pension program.

Recommendations:

1. Fully fund a defined benefit pension plan for Tribal police officers by including Tribal Police Departments in the BIA retirement benefit pool.
2. Provide additional direct payroll support to Tribal Police Departments through federal fiscal awards to offer higher wages to officers.
3. Increase tax incentives for Tribal police officers to contribute to their 401(k) plans.

Grants and Funding

The SRMT PD was awarded a DOJ CTAS grant in 2018. It served

SRMT PD is an eligible recipient of federal awards. However, we do not meet the threshold for certain criteria, such as violent crime rates, to effectively compete for needed grants.

The federal grants we have received often provide only short-term support for payroll expenses. The Tribe must consider whether it is able to continue the employment of officers paid by that grant when its funding runs out. This was

difficult when the economy was strong. The COVID-19 pandemic has had a devastating impact on our Tribal economy, forcing the reduction of many Tribal programs and services. This puts into question the long-term viability of our police force.

Another restrictive source of funding is Homeland Security's Operation Stonegarden (OPSG). Only specific, border-related duties are considered allowable expenses within the grant. With the international border running directly through our territory, much of our activity can be considered border-related.

Lastly, the SRMT PD is in dire need of adequate facilities. Our department has outgrown the 30-year-old former retail space that it shares with the Tribal Court. We do not meet the criteria for any grants that support construction of a public safety building. The Tribe has limited resources and is presently unable to fund the construction of a modern, safe, BIA-compliant facility.

Recommendations:

1. Reduce grant retention cost requirements for Tribal recipients.
2. Increase funding flexibility for Stonegarden grant recipients.
3. Include provisions for Tribal justice facilities in future infrastructure or other law enforcement legislation.

Jurisdiction/Border-Related Issues

Among our successes is the distinction of being the only Tribal law enforcement agency to have a cross-deputization agreement with New York State.

The geographic location of our Mohawk territory poses several unique jurisdictional situations. The SRMT PD is a respected professional organization that coordinates with multiple U.S. and Canadian government agencies, including Akwesasne Mohawk Police Service, our counterparts serving the northern portion of the territory.

Our coordinating agencies include the New York State Police, the U.S. Attorney for the Northern District of New York, FBI, DEA, U.S. Border Patrol, DHS, ATF, U.S. Customs and Border Protection, Border Enforcement Security Task Force, Ontario Provincial Police, Canada Border Services Agency, and RCMP. All county, state and provincial agencies whose jurisdiction or service area includes Akwesasne are considered partners as well.

Governor Cuomo in 2017 signed Senate Bill 4276 permanently expanding the jurisdiction of the SRMT PD pursuant to Indian Law S114.

The SRMT PD is the only Tribal law enforcement agency in New York State to gain this authority.

At the western edge of Akwesasne, a U.S. Port of Entry crosses over our territorial land and waters. Approximately 1 million cars utilize this port of entry annually. About 75 percent of this traffic enters our territory (either tribal

members or patrons of our community businesses and casino). The SRMT PD has built a strong relationship with the Port Director, resulting in the inclusion of the Mohawk language in its signage and increased cultural sensitivity training to better understand the impact that the imposed border has on the people of Akwesasne.

The St. Lawrence Seaway Locks and the New York Power Authority are high-profile areas located adjacent to our territory. Our active Marine Unit would be utilized to assist in the event of a terrorist attack or natural disaster.

The SRMT PD is a partner of many successful programs and initiatives. The establishment of the Akwesasne Child Advocacy Center is one example. The victim-centered facility within our Tribal Social Services Division is utilized by many local law enforcement agencies. In 2019, a member of our SRMT PD staff testified before the Congressional Bipartisan Task Force to End Sexual Violence. The SRMT Tribal Police department participates in International Association of Chiefs of Police (IACP) panels to discuss community policing and border-related issues.

Recommendations:

1. Recognize our expertise of the lands, waters and people of our territory. The SRMT Tribal Police must be empowered to provide the first line of defense.
2. Mandate training on Native American cultural sensitivity and Tribal jurisdiction.
3. Respect mutual aid agreements between agencies whose jurisdiction includes the St. Regis Mohawk Indian Reservation and our community of Akwesasne.
4. Maintain open communication between governments and law enforcement agencies.

Conclusion

The SRMT Tribal Police Department proudly serves the Akwesasne community, and has worked hard over many decades to become a respected professional law enforcement organization. Further development can be made in the areas of increasing officer retention, increasing grant and funding, and increasing outside agencies' understanding of the culture, complexity and influence of the Akwesasne community.

Nia:wen kowa | Thank you very much for this opportunity

Richard Blake

Chief Judge, Redding Rancheria Tribal Court



Chief Judge of the Hoopa Valley Tribe since July 2002 and retired from the Hoopa bench after 17 years on July 1, 2018. Judge Blake is also a proud member of the Hoopa Valley Tribe. Judge Blake is the Chief Judge for the Redding Rancheria Tribal Court, Tolowa Dee-ni' Nation and an Appellate Judge for the Cow Creek Tribe located in Southern Oregon.

Judge Blake is the President of the Board of the National American Indian Court Judges Association, having served on the board for the past 12-years. Judge Blake is the Region 2 representative representing courts in California, Nevada and Hawaii.

Judge Blake is the founder of the Northern California Tribal Court Coalition, which currently has a membership of six northern California Tribal Courts including Hoopa, Yurok, Tolowa Dee-Ni Nation, Trinidad Rancheria, Bear River and Karuk Tribes.

Judge Blake was also appointed as Co-Chair of the California Tribal State Forum. His vision resulting in the development of the Forum now immortalized by California Rules of the Judicial Council. Judge Blake remains involved in the California Tribal State Forum but currently sits as member of the California Federal-Tribal Forum.

Judge Blake has dedicated himself to working with tribal and state law enforcement agencies on issues surrounding domestic violence, traffic, Human Trafficking and worked closely with National DEC (Drug endangered children). The development of relationships with law enforcement, prosecutors, and probation and service providers has provided for safer communities.

Also a current member of the National Council of Juvenile & Family Court Judges, Judge Blake sits on committees within that organization and was named the 2016 "Innovator of the Year" by "NCJFCJ" being honored in July 2016. Judge Blake also serves as faculty in the areas of Domestic Violence and Domestic Sex Trafficking.

Judge Blake has been instrumental in facilitating forum meetings between tribes and states across the nation under the lead of Casey Family Programs, National Council of Juvenile and Family Court Judges and NAICJA.

Written Testimony

Richard C. Blake, Chief Judge

Redding Rancheria Tribal Court

Tolowa Dee-ni' Nation Tribal Court

Cow Creek Appellate Court

National American Indian Court Judges Association /President

Honorable Commission Members,

It is an honor to have this to speak to you about justice issues in Indian Country. Your commitment to this task is commendable and as a member of a tribal community I am hopeful this information will provide the President and Attorney General with valuable information.

In 2018, I retired from the bench at the Hoopa Valley Tribe, located in Northern California, but remained as Chief Judge of other tribal court systems. My commitment to working towards justice with tribal, state and federal partners is on-going. Over the past 18 plus-years I have worked with various organizations related to law enforcement. Additionally, I have served as President of the National American Indian Court Judges Association, the only tribal judicial organization, established in 1969.

I have dedicated to on-going working relationships between the tribal court systems and law enforcement agencies, tribal, county, state or federal agencies. As Chief Judge I was able to see several areas of concerns that created safety concerns for tribal communities. My belief of building relationships with partner agencies would allow for cross training events and providing the opportunity for development of protocols.

In making certain that my commitment to the court remained intact, in 2003 I issued a domestic violence order of protection following hearing. Later the same evening I had a knock at my door and found the victim, bloodied with the order of protection in her hand. She informed me that the local deputy sheriff would not enforce my domestic violence. I was informed "it does not look like a

protection order.” As I stood there staring at the bloodied victim, with the bloodied order in her hand, knowing that her trust in the justice system was forever tainted. I realized that there was a serious disconnect between two systems that were designed for the protection of the community and we all failed. With a copy of the tribal protection order in hand I approached county law enforcement to understand why any sworn officer would deny protection. Refusal to enforce a tribal court protection order is quite common across the country and a frequent topic at tribal judicial roundtables. Each time the enforcement of a protection order occurs it puts a victim at risk of harm or even death, or the victims lack of confidence in the justice/law enforcement system. The outcome of this horrific event resulted in the development of the California Tribal State Forum, a working and established body at the California Judicial Council. With several factors resulting in staff turnover this may continue to be an issue unless a curriculum with protocol is not developed.

Working in prosecution prior to my election to the bench in 2002, I have worked with law enforcement, whether police, probation, parole in various capacities. In 2002 I began working closely with tribal law enforcement. My late brother, Edward Guyer, worked in Administration for Hoopa Tribal Police and ultimately was appointed Chief of Police. I maintained working relationships with all tribal law enforcement. I understood the struggles that tribal law enforcement agencies endured. In a Public Law 280 State, the need for cooperation with local law enforcement and the need for cross deputization agreements. Despite being POST trained officers, under California Penal Code § 830, tribal police officers are not mentioned. Community and tribal members typically have little to no respect for law enforcement as the appearance that tribal police officers are “security officers” only.

As President of the National American Indian Court Judges Association I have had the opportunity to visit many tribal communities. At an event in Kodiak, AK, I was told that following an attack “ a victim laid in the snow for over 48-hours until the troopers could respond.” Local tribal law enforcement was only able to secure the scene until “law enforcement” arrived. This certainly is something that I am certain the commission is aware occurs due to remoteness and lack of law enforcement in the State of Alaska. Yet it was alarming to know that village members endure this as normal procedures.

A visit to the White Earth Nation Public Safety in Minnesota revealed a very robust and active police department that maintains culture and tradition in their operations. Despite the use of their sovereignty, White Earth Public Safety was able to collaborate with county and state law enforcement and provide law enforcement services to all community members, tribal or not. A tribal law enforcement agency committed to maintaining the sovereignty of the White Earth people, but maintaining the law enforcement principles of the state of Minnesota.

The purpose of my testimony is as a Tribal Court Judge, who transitioned from a state court system, tribal law enforcement agencies continuously struggle with development, training and most importantly recognition as true law enforcement officers. In the State of California, a simple modification to 830 P.C. would give recognition to tribal police officers, who complete the same training, as police officers in other agencies. This amendment to 830 P.C. would give balance and legitimacy to tribal law enforcement officers.

The tribes, including my tribe, the Hoopa Valley Tribe, in my region are located in very remote and rural regions, and tribal law enforcement agencies at times are the only agency able to respond to a crisis, as evidenced in the example in Alaska. Providing tribal law enforcement agencies with funding to develop tribal agencies within the guidelines of tribal law and customs ensure that community members are provided protection. I am certain law enforcement agencies are brotherhoods across the various disciplines, tasked with making certain the community is safe, and this is the ultimate goals of tribal police agencies, as well as partner agencies.

My testimony is intended to represent tribal law enforcement agencies across the nation. The need for trainings, equipment, construction and expanded specialized trainings will provide tribal law enforcement the tools necessary to protect and serve the tribal communities across this nation.

Thank you for this opportunity and thank you for your commitment to this issue.

Bill Denke

Chief of Police, Sycuan Band of the Kumeyaay Nation Police Department



Bill has served the Sycuan Band of the Kumeyaay Nation as Chief of Police for the past 15 years. He has served as a subject matter expert for California's Commission on Peace Officer Standards and Training in developing new training curriculums, "Policing Indian Lands" and "Responding to Domestic Violence and Sexual Assault Calls on Tribal Lands". Bill was appointed to the National Indian Law and Order Commission's Advisory Committee in 2012. He is the current chairman of the Indian Country Section of the International Association of Chiefs of Police (IACP), and a member of IACP's Board of Directors. Bill is also the chairman of the California Tribal Police Chiefs' Association. In 2014, he was appointed by the director of the FBI to the FBI's Criminal Justice Information Systems (CJIS) Advisory Policy Board and also chairs that board's tribal task force. Locally, Bill serves on the board of directors for Crime Stoppers San Diego. He received his formal law enforcement training at the San Diego Regional Law Enforcement Training Center and executive training at the Federal Law Enforcement Training Center.



President's Commission on Law Enforcement and the Administration of Justice

May 21, 2020

Testimony from William (Bill) Denke II

Chief of Police, Sycuan Tribal Police Department

I have been the police chief for the Sycuan Tribal Police Department for the past 15 years, with more than 26 years of total service. I am currently the chairman of the IACP Indian Country Law Enforcement Section and chairman of the California Tribal Police Chiefs' Association. I am truly honored to have the opportunity to provide testimony to the distinguished members of this commission on behalf of the Sycuan Band of the Kumeyaay Nation's police department.

For background purposes, California is one of six mandatory Public Law 280 states. For those not familiar with PL 280, in essence, it is the federal law, authorized in 1953, that not only reduced the federal government's jurisdiction, but also extinguished exclusive tribal jurisdiction over many types of crimes—applying state and tribal concurrent jurisdiction in its place. It is safe to say the effects of this law have had a profound negative impact on tribes' ability to establish robust justice systems. This includes law enforcement in California. This impact is still very visible today, as very few tribes in California have the ability to provide comprehensive policing services to their communities.

Tribal police departments' two most difficult challenges have been finding solutions that allow tribal police officers to enforce state laws on their reservations, and also for tribal officers to be able to access local, state, and federal criminal justice information systems. Most of these challenges were brought on by the fact that tribal law enforcement officers are not recognized by state law. Fortunately for Sycuan, with good-faith collaboration among many local, state, and federal partners, the Sycuan Tribal Police Department has found some solutions to these two issues in the past 10 years and is now able to provide those comprehensive policing services that Sycuan's community so deserves.

This did not come easily though. The first solution involved accessing criminal justice information systems. In 2010, Sycuan was one of a small number of tribes selected for a US DOJ pilot project that allowed direct access to FBI's CJIS systems, primarily NCIC along with access to the National Law Enforcement Telecommunications System (NLETS). This program later evolved into the now successful Tribal Access Program (TAP). Although the pilot program was an enormous benefit to the police department, there was still a need for access to local and state criminal justice information. In 2014, a solution was found after much coordinated collaboration with the San Diego County Sheriff's Department, the California Attorney General's Office and the Bureau of Indian Affairs. Since 2014, not only has the police department regularly queried all these systems to provide better public safety and solve investigations, it just as importantly has

inputted thousands of its own records for other agencies to query because, as we well know, crime does not recognize tribal boundaries.

It is very important to note that the authorization to access local and state systems was predicated off the federal law enforcement status of Sycuan's police officers. That status is pursuant to a deputation agreement with the BIA's Office of Justice Services. The deputation agreement in turn allowed for Sycuan's police officers to be commissioned as special deputy officers of the BIA after meeting the conditions set forth in the agreement.

Further, it is the federal law enforcement status that led to an agreement with the San Diego County Sheriff's Department to allow Sycuan's police officers to enforce state laws. This agreement is actually pursuant to a state law which allows a county sheriff to grant federal officers with the appropriate state training, the ability to enforce state laws on federal properties, lands, or enclaves. The agreement with the sheriff also allows the Sycuan Tribal Police Department to book its arrestees into county jail at no charge and have full access to the sheriff's crime and forensics laboratory. At the same time this agreement was being put into place, the police department entered into a memorandum of understanding with the San Diego County District Attorney's office to allow the police department to file its cases for prosecution directly to the district attorney's office.

Taking into account the aforementioned problems and the work-around solutions to partially resolve them, there are two recommendations I would like to make to the commission; all could have a positive impact on tribal law enforcement programs throughout the country. The first recommendation is in regard to supporting the DOJ's Tribal Access Program (TAP). The DOJ established TAP to create a single direct source by which tribal law enforcement agencies could access national crime information systems. It is a way for tribal law enforcement agencies to obtain access when they cannot access through the more traditional method of their state's CJIS System Agency. An example of not being able to access it is here in California. Although Sycuan's police officers are now authorized because of their federal officer status, other staff such as dispatchers and crime analysts are not. They have to rely on TAP to access information that is vital to officers and public safety.

TAP goes beyond just access to NCIC and NLETS. It actually allows for data exchange between comprehensive FBI CJIS systems and provides the hardware and software to provide the bi-directional flow of information. These systems include: the National Data Exchange (N-DEx), National Instant Background Check System (NICS), Law Enforcement Portal (LEEP), and Next Generation Identification. To date, approximately 90 tribes are participating in the program. This number does not reflect those tribes that were part of the pilot project in 2010 or BIA agencies.

With one success after another published by DOJ, it is imperative that this program continue beyond the foreseen future. The one thing that really concerns me though is that the program is not directly funded. It is only indirectly funded through different DOJ agencies, such as the COPS Office; the Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking; and the Office for Victims of Crime. **I therefore recommend that Congress allocate sufficient, predictable and dedicated funding for the Tribal Access Program to improve public safety needs within Indian Country. Congress should also establish a specific budget line item for the Tribal Access Program that is independent of appropriations to other Department of Justice agencies.**

My other recommendation is regarding an issue that continually arises when tribal law enforcement agencies attempt to negotiate deputation agreements with local or state agencies. That issue is liability! This complex issue has been a so-called deal killer many times in the past when tribes have tried entering into these types of agreements with local agencies nationally. Many times tribes are expected to waive their sovereign immunity and pay for very expensive insurance premiums in order to get over this hurdle – a move that not only leaves the tribes exposed, but also officers in their individual capacities. The liability issue does not only come into play when trying to negotiate deputation agreements, but also with the recruitment and retention of qualified police officers. I have witnessed this firsthand within my own department.

Interestingly, language within Sycuan's deputation agreement with the BIA Office of Justice Services, which is a model agreement published by the BIA, may offer some hope for resolve – at least when it comes to tribal law enforcement officers who are deputized by the BIA through the BIA's Special Law Enforcement Commission (SLEC) process. Pursuant to the current model deputation agreements entered into between the BIA-OJS and tribes, tribal officers who have been issued SLECs are deemed employees of the Department of Interior for the purposes of the Federal Torts Claim Act (FTCA) while carrying out those laws applicable in Indian Country as described in Section 3.A and Appendix A. However, such officers are not deemed federal employees under 25 USC 2804(f)(1), or for the purposes of the FTCA with respect to the enforcement of any other law except those applicable in Indian Country, as described in Section 3.A and Appendix A. In addition, it is my understanding that BIA law enforcement personnel may be covered by the FTCA while enforcing other jurisdictions' laws pursuant to agreements between the respective jurisdictions and while on tribal lands.

To digress for just a bit, the BIA 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. It is important to note though: This would only apply on reservations where the tribes agreed to the issuance of such commissions to local and state officers.

Taking into account that there is already FTCA coverage for tribal, local, and state law enforcement officers for the enforcement of specific federal laws, I strongly recommend: **the Department of Interior, in consultation with the Department of Justice, should look into defining Federal Tort Claims Act (FTCA) protection for BIA-OJS commissioned law enforcement officers similar to that of BIA-OJS employed law enforcement officers.** Further, and more specifically, I recommend: **the Department of Interior, in consultation with the Department of Justice, should consider striking the model deputation agreement language that puts conditions on FTCA protection for law enforcement officers holding Special Law Enforcement Commissions (SLECs) and in its place state, "tribal officers who have been issued SLECs are deemed federal employees for the purposes of the FTCA while carrying out those laws applicable in Indian Country."**

Realizing you have what some might think is an insurmountable task ahead of you, I respectfully request that you consider my recommendations. In addition, I request that you consider the important recommendations coming out of the Rural and Tribal Working Group in the coming weeks ahead. Although the working group's recommendations have not been formally made yet, there is one recommendation being considered I would like to highlight just a bit. Even though it comes with a steep price tag, 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's Office of Justice Services has completed its Report to Congress on Spending, Staffing, and Estimated Costs for Public Safety and Justice Programs in Indian Country. After a quick review of this report, it is more than clear there are significant unmet needs for Indian Country's public safety. It is important to note that this report also reflects those needs for tribes in Public Law 280 states, including Alaska, which historically has received little to no funding from the BIA for public safety needs. With that being said, I strongly recommend that Congress fund Indian Country public safety programs at the level reflected on the BIA's annual report.

In closing I want to thank all of you for the opportunity to provide this testimony and more importantly, for all of the selfless time you have put into this project in an effort to produce an impactful comprehensive report to the Attorney General and the President of the United States.

Respectfully,

William (Bill) Denke II

Wednesday, May 27, 2020

Kurt Alme

United States Attorney, District of Montana



Kurt Alme is a Montana native who graduated from the University of Colorado with his bachelors in business. He received his law degree from Harvard Law School.

Mr. Alme previously served as an Assistant United States Attorney and then First Assistant in the United States Attorney's Office. He started his legal career as a law clerk to United States District Judge Charles Lovell. He then joined the regional law firm currently known as Crowley Fleck PLLP, eventually becoming a partner. Mr. Alme next served as Director of the Montana Department of Revenue. Prior to becoming United States Attorney, he served as President and General Counsel of the Yellowstone Boys and Girls Ranch Foundation, which supports the treatment of youth suffering from mental health issues and substance abuse.

Mr. Alme was unanimously confirmed as United States Attorney for Montana in 2017 by the U. S. Senate.

Statement of Kurt G. Alme
United States Attorney, Montana
U.S. Department of Justice
Before the President's Commission on Law Enforcement and the Administration of Justice

Chairman Keith, Vice Chair Sullivan, and Members of the Commission,

Thank you for the opportunity to testify today about Public Safety Challenges with American Indian and Alaska Native Communities. It has been invigorating to serve on the Rural and Tribal Law Enforcement Working Group with members who are very experienced about these issues. Today it is 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 Little Shell Chippewa Tribe. Those 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 had the pleasure of working with our tribal governments on public safety issues. With their partnership and that of our federal law enforcement colleagues we have made good progress: increasing felony prosecutions in 2018-19 by 15% over 2016-17; funding three tribal prosecutors who serve as SAUSAs; regularly consulting with our tribal partners about federal grant opportunities; ensuring that those grant funds go to their intended beneficiaries through our Guardians Project; convening regular child abuse and sexual assault response team meetings, prosecutor meetings, and trainings on the non-Public Law 83-280 reservations, and now preparing for a significant expansion of victim services.

I also serve as the Vice Chair of the Native American Issues Subcommittee of the Attorney General's Advisory Council, which is composed of all 52 U.S. Attorneys with federally recognized tribes in their district. In the last two weeks, you have heard from three other U.S. Attorneys who are members of that subcommittee: Ron Parsons from South Dakota, Bryan Schroder from Alaska, and Trent Shores from Oklahoma. They have highlighted many of the important public safety challenges and opportunities facing American Indian and Alaskan Native Communities. I want to stress three of the most critical.

Need For More Law Enforcement Officers On The Ground In Indian Country

In many parts of Indian country, violent crime rates are high. According the FBI's Uniform Crime Reports, the 2018 violent crime rate in Billings, Montana's largest city, was 5.42 per 1000 people. However, among Indians on the nearby Crow Reservation, the rate is estimated to be 8.96. That is only slightly below the rate in DC, which, at 9.96, is higher than any state. Most troubling, the rate among Indians on the Northern Cheyenne Reservation is estimated to be 18.76, which is more than double the rate of its neighbor, the Crow Reservation.

Meanwhile, both BIA direct service (BIA) and many BIA tribally contracted (BIA Funded) law enforcement programs in Indian country are understaffed. Most tribes in Montana have not ceded criminal jurisdiction to the state under Public Law 83-280. Thus, they have chosen either BIA or BIA Funded programs, as have tribes on 212 reservations across the U.S. According to the 2018 Uniform Crime Reports, U.S. cities with a population of less than 10,000 people averaged 3.8 full-time law enforcement officers per 1000 people. Meanwhile, in its 2017 Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, BIA reported that in 2015, to get both BIA and BIA Funded programs funded at just a level of 2.8 officers per 1000 would cost

\$566 million. The amount actually expended that year was just \$199 million, both because the amount appropriated was less than \$566 million and BIA and tribal law enforcement agencies struggled to recruit and retain officers. To fund these programs at 3.8, instead of 2.8 officers per 1000 would significantly increase the cost above \$566 million. In addition, BIA and BIA Funded programs should arguably have more officers per 1000 than small city police departments because reservations generally have larger geographic areas to cover than cities.

Although BIA and Tribal Law Enforcement supervisors and officers work hard to ensure public safety, these officer shortages can have negative impacts, including: delays in responding to calls for service and backup; delays in investigating cases; requiring officers to work long hours, leading to fatigue and long-term burnout, and limiting opportunities for training; and frequently moving officers to other locations to cover acute staffing shortages.

To ensure fundamental public safety in Indian country, we need to continue to look for ways to get more law enforcement “boots on the ground.”

Need For Comprehensive Plans To Reduce Substance Abuse

Drug distribution and abuse in many areas of Indian country are too common. According to DEA’s “2019 National Drug Threat Assessment,” methamphetamine and marijuana are the drugs most widely used by American Indians, but prescription drug and heroin use have increased in many areas of Indian country. The widespread availability and abuse of drugs, coupled with drug trafficking groups operating in Indian country, contribute to high rates of crime on reservations. According to SAMHSA’s “2018 National Survey on Drug Use and Health: American Indian and Alaskan Natives,” American Indian and Alaskan Native adults use methamphetamine at three to four times the rate of the overall U.S. Population. A 2006 report by the National Congress of American Indians entitled, “Methamphetamine in Indian Country: An American Problem Uniquely Affecting Indian Country,” noted that Native American communities have the highest meth use rates, and that meth causes dramatic increases in violent crime, suicide and child neglect. In Montana, meth use is widespread in Indian country and, with alcohol, is the most significant cause of violent crime.

Opioid abuse is also a serious problem in Indian country. In her article, “Prescription Drug Abuse and Illicit Substance Abuse: A Crisis in Indian Country,” Leslie Hagen, DOJ’s National Indian Country Training Coordinator, reported that in 2016, American Indians and Alaskan Natives had the highest rate of opioid overdose death of any minority group.

Many tribal communities, like all communities across the U.S. with serious 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.

Different organizational structures can be used to improve drug enforcement in Indian country, but the effectiveness of those structures is limited by an overall shortage of federal and tribal law enforcement, including drug enforcement officers and agents. With its award-winning Native American Drug and Gang Initiative Task Force, Wisconsin 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 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. Recently, the FBI started a new task force in Montana to address drug distribution in a four reservation area. It is working with DEA, BIA, and state, local and tribal law enforcement to coordinate enforcement efforts and has been effective. There are, however, only 20 Safe Trails Task Forces in all of Indian country. BIA drug enforcement agents are cooperative members of the Safe Trails Task Force in Montana. However, for all of Indian country, the BIA Division of Drug Enforcement only has 48 agent positions, not all of which are always filled. These agents are vital to local investigations, providing critical coordination between local law enforcement and other federal drug agents in Indian country.

DEA has no agents specifically designated for Indian country. In Montana, however, to help provide enforcement in a two reservation area, DEA is providing intelligence and coordination to the local and federal law enforcement. It has also provided Task Force Officer (TFO) status to a deputy sheriff and will apply case-by-case TFO status to a second deputy. Chairman Keith deserves some of the credit for the second deputy because the sheriff has applied to fund the position through a COPs Hiring Program grant that we discussed with the Sheriff last summer when the Chairman came to Montana to listen to rural and tribal law enforcement. DEA is also using a TFO and an agent to conduct drug investigations on the seventh reservation in Montana. Together with an adjacent federally funded High Intensity Drug Trafficking Area Task Force, which is expanding its operations to that reservation, DEA is working to disrupt drug supply there.

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 Hiring Program and Edward Byrne Memorial Justice Assistance Grant program funds to support their efforts.

Enforcement is important, but it is not enough. Tribal communities, like all communities affected by substance abuse, also need a comprehensive plan to reduce demand through prevention and treatment. Prevention and treatment programs have many components that must all work well for the program to be most effective. For example, an effective treatment program may need a Tribal Healing to Wellness Court supported by adequate jail space; probation and parole services; inpatient and outpatient substance abuse treatment, including medication-assisted treatment; mental health services; sober and long-term housing; and job assistance. Gaps in any of these areas disproportionately degrade the effectiveness of the entire program.

The Departments of Justice, Interior, and Health and Human Services work together to support tribal governments to create these types of plans, called Tribal Action Plans. Tribal Action Plans provide a map for how a tribal community comes together to address alcohol and substance abuse in ways that meet the needs of the community and are culturally responsive. The plans also identify the resources and programs of the three federal departments that can help implement the plan.

We need to continue to get word out to tribal governments about Tribal Access Plans to help them take control of the substance abuse issues in their communities.

Missing and Murdered Indigenous Women

A 2016 NIJ study based on 2010 data from the Centers for Disease Control and Prevention reported that 56.1 percent of American Indian and Alaskan Native women have experienced sexual violence in their lifetimes, and 55.5 percent have experienced physical violence by an intimate partner.

The CDC also reported in 2017 that American Indian and Alaskan Native women experience one of the highest rates of homicide, based on an analysis of data from 18 states.

We need to ensure all missing American Indians and Alaska Natives are reported to proper authorities in a timely manner, that law enforcement and community responses are understood and coordinated, and responding personnel have the training and resources they need to quickly and competently act. We also need to ensure the missing person's information is promptly entered into appropriate databases and important information is gathered, such as tribal affiliation and if they went missing from tribal lands, so we can ensure law enforcement is looking for them.

But this is not a procedural and data problem. This is human problem. Behind every missing person's record is a face, a family, friends, and a community. I have talked to loved ones of missing women in Montana and heard their fear and sorrow. I also heard from loved ones and tribal community members across the country at the DOJ Annual Government-to-Government Violence Against Women Tribal Consultation last year. And, at the U.S./Canada/Mexico Trilateral Working Group on Violence Against Indigenous Women and Girls, organized by Commissioner Sullivan when she led DOJ's Office of Violence Against Women, participants confirmed that indigenous women go missing not just in the U.S., but all across North America.

For the sakes of these women and children, their families, friends and communities, and the sake of all who will experience this in the future, we need to work together to ensure that every missing American Indian and Alaskan Native, whether they go missing in or outside of Indian country, is found.

A good example of this teamwork was the way the family, law enforcement and other officials responded a few years ago when a young girl was abducted in Montana. Twenty-year-old meth user John Lieba abducted the girl from a park on the Ft. Peck Reservation. The girl's friend ran to her grandma's house and told the nightmare story. The family immediately notified law enforcement with important details, and within hours more than 120 personnel from federal, Canadian, state, local and tribal law enforcement and other agencies mobilized. Through their efforts, Lieba was caught and admitted enough that the girl was found alive two days later.

If the missing person does end up being the victim of a crime, then her abductor must be brought to justice, as occurred in this case where Lieba was convicted at trial and sentenced to over 41 years in prison.

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 Indians and Alaskan Natives. The Task Force, also known as Operation Lady Justice, focuses on enhancing the operation of the criminal justice system and addressing the legitimate concerns of American Indian and Alaska Native communities regarding missing and murdered people. The work of the Task Force is concentrated on consulting with tribal governments, developing protocols for new and unsolved cases, reviewing cold cases, and clarifying roles, authorities and jurisdiction throughout the lifecycle of cases.

In November of 2019, Attorney General Barr also launched a national initiative to address missing and murdered indigenous people. Because of the work already being done to address this issue by our office and our tribal, state and federal partners, AG Barr chose Montana to announce it.

The Missing and Murdered Indigenous Person (MMIP) Initiative places MMIP Coordinators in 11 U.S. Attorney's Offices to develop protocols for a more coordinated law enforcement response to missing

persons cases. Montana was the first to bring our Coordinator on board with funding provided by the Office of Justice Programs under the leadership of Commissioner Sullivan, those Coordinators are coming onboard now, with the most recent being hired by Commissioner MacDonald in Minnesota. The initiative also calls for expanded use of Specialized FBI Rapid Deployment Teams. Montana's Coordinator assisted the Big Horn County Sheriff request an FBI Child Abduction Response Team to help locate the body of Selena Not Afraid who went missing from a rest stop this past January. The value of FBI child abduction response training was on display ten days ago in Montana when Blackfeet Law Enforcement officers used it to locate a three-year-old girl within hours of her abduction. Finally, the Attorney General's MMIP Initiative calls for improved data and data sharing.

Although impacted by the onset of the coronavirus, work on the goals of Operation Lady Justice and the Attorney General's Initiative continue at the national level. Meanwhile, in Montana, we have taken additional steps with the Montana DOJ, FBI, BIA and our tribal partners to help address this issue.

- To ensure that federal, state, local and tribal law enforcement properly use all federal and state missing persons databases (like the NCIC Missing Persons File, NamUs, and NCMEC) and alerts (like Amber Alert), we partnered to provide two statewide trainings.
- To ensure that tribal community members know what to do when a loved one goes missing, we partnered to provide two public statewide trainings to explain what to do and how to use NamUs to help find a loved one. My office also coordinated with all of our tribal government partners to bring NamUs representatives to each reservation in Montana for a public training. We also produced a public service announcement explaining what to do when a loved one goes missing.
- To stay in dialogue with our tribal government partners about MMIP issues involving their members and to help ensure that all missing Native Americans in Montana have been reported to the NCIC Missing Persons File, my tribal liaison coordinator joined the Montana Missing Persons Task Force headed by the Montana DOJ and including members from all of Montana's federally recognized tribes. The task force has encouraged the tribal representatives to be sure the Montana Missing Persons Clearinghouse, which publicly lists the names of all missing persons in the state, includes all currently missing Native Americans from their tribes.
- To ensure that tribal law enforcement are able to directly enter missing persons information into the NCIC Missing Persons File, we have supported the efforts of DOJ's Office of Tribal Justice and BIA to ensure implementation of the Tribal Access Program (TAP) to all tribes without access.

The framework to address the MMIP tragedy has been laid out by President Trump and Attorney General Barr. Now it is important for our American Indian and Alaskan Native neighbors to tell their stories and share their perspectives on both the problem and solutions. Having those stories and 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.

Leanne Guy

Executive Director, Southwest Indigenous Women's Coalition

Leanne Guy, Diné, is of the Tó' áhani (Near to water) clan and is born for the Tódichi'ii'nii (Bitter Water) clan. Her chei (maternal grandfather) is from the Tábaahí (Waters Edge) clan, and her nali (paternal grandfather) is from the Tachii'nii (Red Running into the Water) clan. This is who she is as a Diné woman. She is a wife, mother, grandmother, sister, auntie, and works as an agent for social change and justice.

Leanne has over 20 years of experience in tribal community health promotion, disease prevention, and public health and safety initiatives. Leanne has worked to help increase the capacity of tribal programs to organize, develop and implement intervention and prevention strategies and services related to HIV/AIDS, women's health, domestic and sexual violence, and substance abuse. She is a member of numerous national, state, and tribal boards, task forces, and committees including the National Congress of American Indian's Violence against Women Task Force, National Indigenous Women's Resource Center, Alliance of Tribal Coalitions to End Violence, and Arizona's Missing and Murdered Indigenous Women and Girls Study Committee.

Currently, Leanne is the founding executive director of the Southwest Indigenous Women's Coalition, the first statewide tribal domestic and sexual violence coalition in Arizona. Prior to this, Leanne was the executive director of a nonprofit, community-based domestic violence and sexual assault services program located on the Diné Nation. Leanne has also worked for the Inter-Tribal Council of Arizona, Inc. and the Indian Health Service as well as nonprofit agencies in the area of HIV/AIDS, cancer prevention, and women's health. The many blessings Leanne has experienced in working with tribes is getting to know the people---hearing their stories, observing their customs, seeing their land, and sharing their food.

My name is Donasbah given to me by my grandmother, which was also her name. It means *Never Went to War*. My English name is Leanne Guy. I’m from the Diné Nation in the Four Corners area. My clan is Tó’ áhani (Near to water), which is my mother’s clan. I’m born for Tódichi’ii’nii (Bitter Water), which is my father’s clan. My chei (maternal grandfather) is Tábaahí (Waters Edge), and my nali (paternal grandfather) is Tachii’nii (Red Running into the Water). This is who I am as a Diné woman. I am also a wife, mother, grandmother, daughter, sister, auntie, and work as an agent for social change, safety, healing, and justice. I am the founding executive director of the Southwest Indigenous Women’s Coalition, a statewide tribal domestic and sexual violence coalition located in Arizona.

I am honored and grateful for the opportunity to provide oral and written testimony on the Challenges of Public Safety in American Indian and Alaska Native (AI/AN) communities. This testimony represents my perspective which is based on my lived experience and from my work of twenty-five plus years of helping to build responses to violence against Native women; as well as from my participation in numerous public safety focused task forces, committees, and boards. As a Native woman in the grass roots 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. 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 the victims and survivors that I provide this testimony. It is their stories that drive the purpose and form the foundation of the work that is needed around public safety in Indian Country and Alaska.

When addressing public safety or any issue within Indian Country and Alaska, it important to understand the true history of American Indian/Alaska Native peoples as this history is not taught in the American education system. Since time immemorial tens of millions of Indigenous peoples have inhabited what it now called the United States. Uniquely distinct with their own structure, land base, language, culture, and customs, they would later be defined as American Indian/Alaska Natives forming a nation-to-nation relationship with the United States Government. “Tribal nations have remained as political powers from colonial period until today...As the United States formed a union, the founders acknowledged the sovereignty of tribal nations, alongside states, foreign nations, and the federal government in the U.S. Constitution. Tribal nations are part of the unique American family of governments, nations within a nation, as well as sovereign nations in the global community of nations.”¹ Today there are 574 federally recognized Tribal Nations still uniquely distinct and sovereign. Having survived the Colonial period, Allotment and Assimilation, Removal, Reservation and Treaty, Indian Reorganization, and Termination policies; Tribal Nations have remained resilient, but fraught with historical trauma that collapsed and almost destroyed Indigenous lifeways. Lifeways that held sacred, governed, honored, and protected all community members. Where there is trauma there also needs to be healing. If I could label the period Indigenous People are in today, I would call it the Restoration Period as Tribes are elevating their efforts to heal, to lead, to protect, and restore their lifeways.

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. Tribes diligently strive to provide competent and 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. Additionally, large geographic law enforcement (LE) service areas, lack of housing/shelters, lack of adequate technology and up to date LE equipment and vehicles, lack of proper roadways, Internet

infrastructure, public transportation, and understaffed and underfunded LE agencies add to the complexities and challenges of providing adequate public safety.

Challenges in public safety in Indian Country and Alaska are vast, long-standing, persistent, and intricately connected to social, economic, health, and environmental challenges. In a recent National Institute of Justice report² that provides a snapshot of the violence within tribal communities reported that four out of five (84.3 percent) of AI/AN women and 4 in 5 AI/AN men (81.6 percent) have experienced violence in their lifetime. This includes: 56.1 percent of women and 27.5 percent of men have experienced sexual violence; 55.5 percent of women and 43.2 percent of men have experienced physical violence by an intimate partner; 48.8 percent of women and 18.6 percent of men have experienced stalking; and that 66.6 percent of women and 26.0 percent of men were concerned for their safety. Also, in a transgender survey³ it was reported that 33% of AI/AN transgender women were more likely to be sexually assaulted in grades K-12 and 57% of AI/AN transgender people reported attempting suicide. These high rates of crime demonstrate an urgent need for public safety in Indian Country and Alaska.

Given the disproportionate rates of violence experienced by AI/AN’s, this urgent need has been largely unmet even with tribal leader testimony at annual tribal consultations with key federal departments. Moreover, the needs remain outstanding despite the consistent advocacy of grass roots tribal victim advocates including written testimony in the reauthorization of the VAWA or as demonstrated in marches across Indian Country and Alaska imploring for equity in justice and safety or as written in grant applications seeking funding to increase access to and the provision of justice, safety, and healing.

- Expansion of tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking for all federally recognized Indian tribes.
- Increased funding for tribal implementation of SDVCJ.
- Inclusion of 228 Alaska Native Villages as eligible to utilize SDVCJ.
- Creation of an Alaska pilot project under which tribal criminal jurisdiction over non-Indian perpetrators of domestic violence, sexual assault, dating violence, stalking, and sex trafficking can be implemented (SDVCJ) on all land within any Alaska Native village.
- Inclusion of Indian tribes in the State of Maine as eligible to utilize SDVCJ.
- Extending protections for children and law enforcement personnel on tribal lands. As also provided by the Native Youth and Tribal Officer Protection Act (NYTOPA).
- Restoring tribal authority to prosecute non-Indians in cases of sexual assault, sex trafficking, and stalking as provided by the Justice for Native Survivors of Sexual Violence Act.

Missing and Murdered Indigenous Women (MMIW)

Arial Begaye, Ashlynn Mike, Amber Webster, Ryan Shey Hoskie, Teri Benally, Fredrick Watson, Marena Holiday, Hannah Harris, Savanna LaFontaine-Greywind, Misty Upham, Sharon Kills Back, Laverda Guy Sorrell, Rethema Lee, Earline Chavez, Jarrod Marks, Dallas Farmer, and Lavon “Raven” Nevaktewa. These are the names individuals that have gone missing or have been murdered. This list represents a very small fraction of the number of Indigenous Peoples that are missing and murdered. This is not a new concept or a new trend, it’s been a regular practice since first contact with those who colonized this country. MMIW exists within a spectrum of violence against Indigenous peoples that includes domestic and sexual violence and sex trafficking. The President’s Task Force on Missing and Murdered American Indians and Alaska Natives is a good start to addressing the crisis of Missing and Murdered Indigenous Women and Peoples at the federal level. We cannot continue to ignore the importance of a fully resourced local, tribal response to prevent abductions and murders. It is a continuation of the history of genocide committed against the Indigenous peoples of this country. The tribal and public calls for justice have resulted in a National Day of Awareness for Missing and Murdered Native Women and Girls recognized by Senate Resolutions (2017, 2018, and 2019) and in 2020 with the presidential proclamation. This public call for increased awareness is indicative of the extent of the reality that Native women go missing on a daily basis often because of the lack of tribal jurisdiction and tribally centered responses, advocacy services and inadequate responses by law enforcement. **Recommendations: Support for the passage of Savanna’s Act, the Not Invisible Act, the Bridging Agency Data Gaps and Ensuring Safety Act and other pending legislation to address MMIW.**

Disbursement of Crime Victim Funding (VOCA)

While there has been some movement from OVC towards the formula distribution of the 2020 Tribal VOCA set-aside, there are new issues as a result of COVID-19. Our tribal governments are now confronting unprecedented challenges with extreme disruptions to their economies and governments, while trying to protect a uniquely vulnerable population. Now more than ever, critical funding is needed to protect and prepare tribal communities to effectively provide services to victims and survivors of domestic and sexual violence with the ongoing challenges presented by the COVID-19 public health emergency and crisis. Tribal leaders during the last consultation and other meetings have stressed the importance of funding to be flexible to allow tribal governments to meet the diverse needs of victims and survivors in their communities. **Recommendations:** 1) work with tribes to provide tribal governments with needed flexibility to navigate the needs of tribal victims including the new challenges caused by COVID-19; and 2) ensure the recommendations offered by tribal leaders at consultation are reflected in future formula distributions to ensure success of the program and in meeting the needs of victims.

DOI, BIA, Disparities in Funding

Address funding disparities for tribes in Public Law 280 (PL 280) and similarly situated jurisdictions. Indian nations in PL 280 jurisdictions have been provided substantially lower amounts of support from the BIA for tribal law enforcement and tribal courts than Indian nations not subject to PL 280. Consequently, the tribes in PL 280 jurisdictions have had far less opportunity to develop their own police departments and court systems. Beginning in the 1990s, the DOJ has financially supported and provided technical assistance to Indian nations for development and enhancement of their police departments and court systems. In the past few years the DOI requested and received funding towards this end. **Recommendation to BIA:** The BIA continue to request appropriate additional federal funding to end this disparity in funding between tribes based on their PL 280 status.

Accountability of Extractive Industries for Violence Against Native Women

The escalation of sexual and domestic violence, including sex trafficking, due to extractive industries must be addressed by the DOJ, DOI, and HHS. Industries must be held accountable for the resulting violence of itinerant workforces created within tribal communities by these industries. Native women and their children should not be exposed to violence by felons, often times serial predators employed by such industries.

Recommendations:

- DOJ and DOI create standards of protection for tribal communities for extractive industries to comply with before, during, and post construction to protect Native women and children, including through the federal permitting processes.
- DOJ and DOI establish screening guidelines to prevent convicted rapists, domestic violence offenders, stalkers, child predators, sex traffickers, and murderers from assignments by industries on tribal lands to prevent predators from accessing vulnerable, and often unprotected, populations of Native women and children.
- DOJ assist Indian tribes in safeguarding the lives of Native women where extractive industries employ a militarized police force to ensure no militarized tactics and usage of excessive force and/or violations of civil rights are committed against members of tribal communities.
- HHS should enhance support for services and training for shelter and related advocacy services by developing materials addressing the needs of domestic violence victims who are victimized by itinerant workers who cannot be held accountable by local tribal authorities.

Compliance with the Tribal Law Order Act of 2010 (TLOA)

TLOA, Section 201, Federal Accountability. Section 201 requires U.S. Attorneys to coordinate with tribal justice officials on the use of evidence when declining to prosecute or refer a reservation crime. Sharing of this type of information is critical to keeping Indian women safe. Tribal officials need to be notified when a U.S. Attorney declines to prosecute sexual assault and domestic violence cases so that, in the case of an Indian defendant, a tribal prosecution may proceed, or in all other cases, tribes can at least notify the victim of the status of the case so that the victim may take the necessary steps for protection. **Recommendation:** The Attorney General direct U.S. Attorneys to implement the law, Section 201, and be accountable for the necessary coordination and reporting duties with tribal justice officials under the TLOA. Failure to implement the law should be tied to employee performance and merit-based reviews.

TLOA, Section 304, Enhanced Tribal Sentencing Authority. Section 304 provides tribal courts the ability to sentence offenders for up to 3 years’ imprisonment for any one offense under tribal criminal law if certain protections are provided. This is a significant improvement, although this maximum sentence still falls short of the average sentence of 4 years for rape in other jurisdictions. Crucial for our purposes, tribes must have the capacity to house the offender in detention facilities that meet federal standards; otherwise, the enhanced sentencing power is meaningless.

Recommendation: The DOJ work with Congress to ensure that the Bureau of Prisons Pilot Project is reauthorized.

TLOA, Section 601, Prisoner Release and Reentry. Section 601 requires the U.S. Bureau of Prisons to notify tribal justice officials when a sex offender is released from federal custody into Indian country. **Recommendation:** Ensure that tribal justice officials are notified of prisoner release and reentry on Indian lands, regardless of the process by which this occurs. Whether the BOP Director gives notice directly to tribal justice officials or notice to the U.S. Attorney, it is the U.S. Attorney who is responsible for relaying that message to tribal justice officials.

As Tribal Nations, we understand the importance of coordinated community responses between victim services, law enforcement, health care, prevention, and justice services, but when there exists historical trauma, oppression, funding disparity, racism, misogyny, discrimination, patriarchy, capitalism, and limited tribal authority it is impossible to adequately provide public safety. Public safety must be adequately funded, indigenous created and led with the input of victims/survivors. It must be trauma and healing informed 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 urgent, unmet priority.

Thank you again for this opportunity to provide this testimony on Public Safety Challenges with AI/AN Communities.

¹ “Tribal Nations and the United States: An Introduction”, NCAI, www.ncai.org/tribalnations

² Rosay, André B., “Violence Against American Indian and Alaska Native Women and Men”, National Institute of Justice, 2016

³ “2015 US Transgender Survey: Report on the Experiences of American Indian/Alaska Native Respondents, <http://transequality.org/site/default/files/USTS%20AIAN%20Report.pdf>

⁴ Agtuca, Jacqueline, “Tribal Consultation, August 21-22, 2019: Priority Issues to Address Violence Against Indian Women”, Restoration, June 2019

Vivian Korthuis

Chief Executive Officer, Association of Village Council Presidents



Vivian Korthuis (Yup'ik name: *Anginran*) became the Chief Executive Officer of the Association of Village Council Presidents (AVCP) in October of 2016. AVCP is the largest Alaska Native non-profit tribal consortium serving 56 federally recognized tribes. In her first year as CEO, Vivian launched an organization-wide Quality Improvement Process (QIP), to improve service delivery at the expressed request of the AVCP Executive Board and tribal delegates of the Yukon-Kuskokwim Delta (Y-K Delta). Prior to her appointment, Vivian served AVCP for 18 years in several capacities including Vice President of Programs. Before that, she worked in a leadership capacity at the Yukon-Kuskokwim Health Corporation and as a school teacher. Vivian has been a lifelong advocate for the Y-K Delta region and has more than 30 years' experience working to improve education, health care, and social services delivery within the region. Currently, Vivian serves on several boards including the Inuit Circumpolar Council Executive Board, the Alaska Federation of Natives Board of Directors, and the Yuut Elitnaurviat Board of Directors. She was born in Bethel and raised in Emmonak. She holds a bachelor's degree from Dartmouth College, and a master's in education from the University of Alaska Fairbanks.

President’s Commission on Law Enforcement and the Administration of Justice

Testimony of Vivian Korthuis, Chief Executive Officer, Association of Village Council Presidents

Thank you for the opportunity to provide testimony on the important topic of **public safety challenges within American Indian and Alaska Native communities**. I was born and raised in the Yukon-Kuskokwim Delta (“YK-Delta”), a vast and remote area of southwest Alaska covering over 55,000 square miles— approximately the size of the State of New York. The YK-Delta is an entirely roadless area occupied by 56 federally recognized tribes. State law enforcement is minimal and federal law enforcement is non-existent. Our greatest challenge is the absence of clear governmental authority for our Tribes—which have inhabited this region for millennia—to promote public safety, including through law enforcement and measures to contain the coronavirus pandemic. To address this problem head-on, this Commission should call upon Congress to provide our tribal governments with permanent, non-competitive and direct funding to support law enforcement salaries, equipment, and detention facilities. Further, the Commission should call upon Congress promptly to enact S. 2616, which will clarify the authority of all our tribal governments to fill the void and take action to protect our communities and our elders, our women and our children. Finally, the Commission should call upon Congress to support our law enforcement training needs.

I have served as the CEO of the [Association of Village Council Presidents](#) (AVCP) for the past four years and have over 30 years of experience in tribal organizations administering social and health care services in rural Alaska. The need for public safety has always been a priority in our region, but that need has increased dramatically in the last decade. In 2016, our tribes voted public safety as the number one priority in our region. Since that time, AVCP has strategically focused on identifying the necessary components of public safety service delivery in rural Alaska. I am happy to share those findings and recommendations with you today, and I hope that the end result of this Commission’s work is that the federal government finally makes a permanent investment in protecting communities 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 in the heart of the Yukon-Kuskokwim Delta (YK-Delta). Our member tribes are located along the Yukon River, the Kuskokwim River, and the Bering Sea Coast. The AVCP region spans approximately 55,000 square miles – roughly the size of the State of New York or Washington. The YK-Delta, like much of rural Alaska, is located “off the road system” meaning the only means of transportation into our region are by plane or (in summer months) by barge. The primary mode of intraregional transportation is small aircraft. In summer, residents also rely on boat travel and in winter they travel on ice roads and snow machine trails.

Public Safety Crisis in Rural Alaska

There is a well-documented public safety crisis in rural Alaska – just last summer Attorney General Barr declared a law enforcement emergency in rural Alaska (this means there is a public safety crisis on America’s northernmost border!). You may already know the statistics, but I will share a few of them with you here:

- 59% of adult women in Alaska have experienced intimate partner violence, sexual violence, or both.
- Alaska Natives comprise just 19% of the state population, but 47% of reported rape victims. Alaska Native women are over-represented by 250% among domestic violence victims.
- In Rural Alaska’s tribal communities, and for Alaska Native women living in urban areas, women reported rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault victimization rates up to 12 times higher.

Every meeting with tribal leaders that I attend – whether an individual meeting with a tribal council, our annual convention, or statewide convenings of all Alaska native tribes – I hear the same stories and the same question, “what are you doing about the public safety crisis in our community?” My answer is “we are sharing with everyone, the State, the Federal Government, what we need right now to make rural Alaska safer.” That’s why I’m happy to share with you today the challenges facing our tribes and what the federal government can do to give us the tools we need to protect the women, children, and families living in our communities.

Public Safety Challenges

I like to call rural Alaska *extreme* rural America. There’s an idea of what rural is in the Lower 48 that gives an incomplete picture of what life in rural Alaska is really like. The remoteness is more pronounced because of the inability to travel without airplanes or boats. The cost of living markedly higher instead of lower – the cost of groceries for households in Bethel is more than twice the average cost of groceries in the United States (for a family of four the average is \$149/week; in Bethel it is \$396/week). The weather is unpredictable and harsh. These factors compound the public safety challenges our tribal communities face.

Limited or Non-existent Transportation Infrastructure

With no roads connecting our villages to each other or our region to the rest of the State, the most reliable source of transportation is by small plane. The alternative modes of boat in the summer and ice road or snow machine trails in the winter are only available for a few months each season. The rest of the year the river is too solid for boating, but not frozen sufficiently to drive safely – climate change has also affected the amount of snowfall each winter. If law enforcement is primarily based in regional or sub-regional hubs, such as Bethel, response times will range anywhere from several hours to several days. This is why it is most effective to have officers in (or located in closer proximity to) the communities they serve.

Shortage of Law Enforcement Officers

It is most effective to have local law enforcement present in communities. Unfortunately, we are faced with a severe lack of law enforcement officers (LEOs). The reasons for this include:

- The majority of Alaska State Troopers (the state’s primary law enforcement agency) are stationed on the road system. The ones who are stationed in rural Alaska are based only in hub villages. This means Troopers cannot engage in community policing – they can

only respond to incidents and crimes. Due to the amount of demand and limited number of Troopers, in-person response in rural Alaska is often limited to felonies.

- The number of Village Public Safety Officers (VPSOs), LEOs hired by tribal consortiums (like AVCP) who are granted funds by the State of Alaska, has steadily declined for years. There has been a steady decrease in state funding for the program, it is challenging to recruit and retain officers, the pay disparity between VPSOs and Troopers and overall attitude of the Alaska Department of Public Safety officials toward the program lowers moral. These officers are highly sought after by tribal communities because they often live full-time in a community and are local to the community or region. However, as the only LEO (or full-time LEO) present in a community it is very hard to disengage during non-working hours (resulting in a 24/7 on call mentality). Currently, no VPSOs in the State are armed.
- Tribal Police Officers (TPOs) and Village Police Officers (VPOs) are LEOs hired directly by tribal and municipal governments respectively. The two governments often work together under memorandums of agreement to fund the salaries, equipment, and public safety buildings for the officers. These governments generally have no reliable source of revenue (i.e. tax base) and fund these positions through cyclical grant awards, corporation donations, and fundraising through raffles and bingo. The positions are mostly part-time without benefits and there is rarely funding for training (see below).

Training

The average length of a police training academy in the U.S., e.g. the Alaska Law Enforcement Training Academy or the U.S. Indian Police Academy, is 16 weeks. TPOs/VPOs are often sworn in and on the job with no training at all. This past March, a 10-year-old girl was abducted and murdered in Quinhagak, a village in our region. The first responder was a Tribal Police Officer. This is one of example of on-the-job situations our TPOs/VPOs find themselves in.

Tribal consortia leverage education, employment, and training funds to help fund training for TPOs/VPOs. There is currently one training provider offering VPO/TPO law enforcement training, which is the [Yuut Elitnaurviat](#) People's Learning Center (Yuut) located in Bethel, Alaska. Yuut holds a two-week basic public safety course. I'm sure none of you who are law enforcement professionals would consider two weeks an adequate amount of training, but our tribal officers consider themselves fortunate to have this opportunity. We have discussed with Yuut the possibility of expanding the current training, but have not secured funding to do so.

Tribal Government Authority

In our villages, the tribal government is the only governmental authority – it is the government that is responsible for keeping community members safe. The burden of funding LEOs falls on the tribal council; and when hiring a public safety officer isn't a possibility it becomes the responsibility of individual tribal council members. At each annual tribal gathering, I listen to the stories of our tribal leaders – often women, sometimes elders – telling me what they have to do to keep their communities safe, how afraid they are, and how they do it anyway.

Our unique legal history has clouded the authority of our tribal governments to take robust action today to protect our communities. As you know, tribal law enforcement typically happens in “Indian country” as defined in 18 U.S.C. 1151. But the 1971 Alaska Native Claims Settlement Act (ANCSA) abolished most “Indian country” in village Alaska, leaving our villages in a legal

no-man's land. Worse yet, with the enactment of Public Law 83-280 the federal government pulled out of law enforcement across rural Alaska and transferred that authority to the State, even though (with the exception of the most extreme felonies) state law enforcement is largely absent in our villages. To make matters worse, the Bureau of Indian Affairs (BIA) provides very little law enforcement support to Indian tribes located in states covered by Public Law 280. These elements have combined to leave Alaska tribes in the most vulnerable position possible, both from criminals and abusers in the village and from outside threats like the coronavirus.

The inability to access BIA funding, combined with the compromised ability of our villages to prosecute crimes and exercise territorial sovereignty, has crippled tribal law enforcement.

Three Recommendations for Delivering Public Safety Services in Rural Alaska

Please keep in mind that tribes and tribal consortia in Alaska have decades of experience delivering high quality social services and healthcare services in *extreme* rural America. We know what works for the tribal communities in rural Alaska. The recommendations I share are echoed by my fellow tribal consortia presidents/CEOs as well as the Alaska Federation of Natives (the largest statewide Native organization in Alaska).

Permanent, direct, noncompetitive base funding

The number one need of our tribal communities is a public safety presence in each community. To do this, we must be able to hire officers and pay them a livable wage and benefits commensurate with their duties and experience. Our officers will also need the equipment necessary for them to do their jobs safely and effectively. They need appropriate public safety buildings with holding cells in their communities (two years ago AVCP surveyed all the public safety facilities in our region – of 48 physical villages in our region, 37 either needed a facility constructed or some level of renovation). This requires funding.

Currently, the only source of federal funding available to our tribes for hiring LEOs is Community Oriented Policing Services (COPS) funding through the Department of Justice. While this is a very important source for tribes, it is not sustainable or efficient to base your village's entire public safety infrastructure on competitive, cyclical grant funding.

To make real improvement and form a solid foundation for public safety in rural Alaska, we need access to direct, noncompetitive base funding for public safety. This funding must come to tribes and tribal consortia directly – not be funneled through the State of Alaska. Under the Indian Self-Determination and Education Assistance Act, tribal consortia have successfully provided social services such as Indian child welfare services, tribal government administration and support, trust services (lands and resources, realty transactions, forest management), and many others directly to tribes. Under the Alaska Tribal Health Compact, tribal health organizations provide top notch health care to tribal members across the State, including rural Alaska. We could truly transform public safety for the tribal communities in rural Alaska if we directly receive the funding to do so.

Support S.2616, Alaska Tribal Public Safety Empowerment Act

The Alaska Tribal Public Safety Empowerment Act (S. 2616) was introduced by U.S. Senator Lisa Murkowski (R-AK) on October 17, 2019. The bill recognizes that regardless of land title, Indian Tribes in Alaska must be secure in their inherent civil and criminal jurisdiction over all

Alaska Natives present in their villages, and civil jurisdiction over all other individuals who threaten or commit domestic violence in our villages. These minimum topic areas must be expanded to include protecting our communities from contagious diseases, and the proposed legislation needs to be enacted at once.

The bill also creates a new pilot program in Alaska in which the Attorney General would select up to five tribes or inter-tribal organizations per year to exercise general civil jurisdiction over all persons within the village, plus criminal jurisdiction over all persons concerning the crimes of domestic violence, dating violence, violation of a protective order, sexual violence, stalking, sex trafficking, obstruction of justice, assault of a law enforcement or correctional officer, any crime against a child; and any crime involving the illegal possession, transportation, or sale of alcohol or drugs. As Congressman Don Young mentioned in connection with a precursor to S. 2616, what is needed today is a custom-made Alaska answer to a unique set of Alaska problems borne of our unique legal history and facts on the ground. We ask the Commission to aggressively support the prompt enactment of S. 2616.

Fully Fund Comprehensive Training for Tribal Law Enforcement Officers

Our tribal LEOs must receive the training that they need in a way designed to help them be successful. The current model of no training (or very minimal training) is not working. It also might not work to require these officers to leave their homes and attend training hundreds of miles away. Each region needs the flexibility to determine a training model that works.

In our region, we know a successful model is breaking up the training into several “chunks.” Officers can complete the first part of their training, return to their village and work, and later go to complete the next part of their training. This repeats until the officer has completed the entire training academy. This is a model used by two nationally recognized programs that are active in our region – the Health Aide Program and Dental Health Aide Therapy program. Through partnership with our region’s current training provider, Yuut, we can easily design a complete law enforcement training program in three-to-four-week segments.

Conclusion

In closing, I encourage you to review the supplemental materials that I am attaching to my testimony – “Public Safety in Rural Alaska: Recommendations for Successful Public Safety Service Delivery” provides additional information on rural Alaska and more details on my recommendations, including citations and links to further reading, and the AVCP Public Safety White Paper will provide a timeline of AVCP’s public safety advocacy in the last few years.

I look forward to reading this Commission’s final report. I feel confident that it will not just sit on a desk collecting dust – that you remain focused on your mission despite the fact we are in an unprecedented pandemic lets me know that you understand how crucial this issue is. I want to leave you with the reminder that tribal communities in rural Alaska are not asking for anything more or anything less than any other community in Alaska or the United States.

Thank you.

Public Safety in Rural Alaska

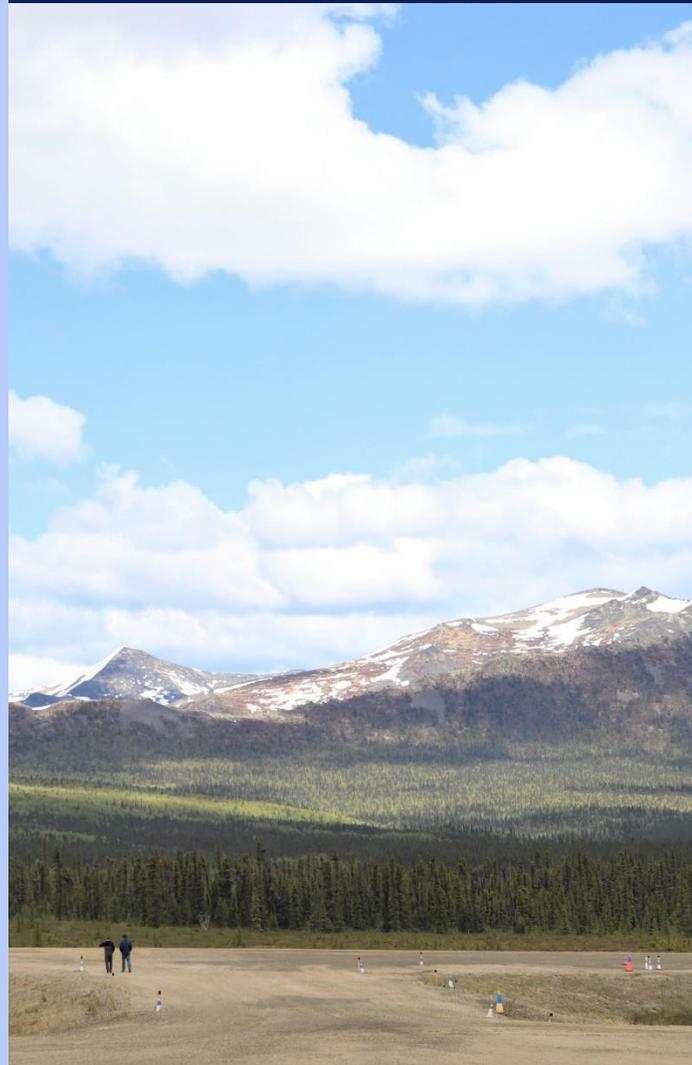
Recommendations for Successful Public Safety Service Delivery

*For the President's Commission on Law
Enforcement and the Administration of
Justice*

MAY 27, 2020

Association of Village Council Presidents

AVCP.org



Rural Alaska

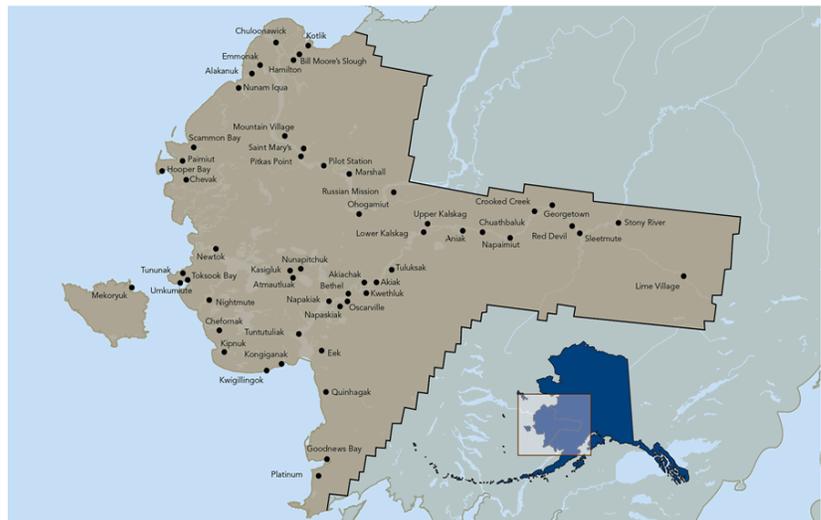
Extreme Rural America

The State of Alaska is 571,951 square miles, making it the largest state in the United States. Parts of Alaska are also considered the Arctic (above the Arctic Circle). Alaska's population is approximately 731,500, with approximately 234,000 residents in Rural Alaska. Rural Alaska consists of communities located off the road system. These communities are not connected to each other or the rest of the State by any roads or the Alcan Highway. These communities are accessible to the rest of the State only by plane or boat. Many communities in Rural Alaska are predominately made up of Alaska Native tribal members. The beauty and resiliency of Rural Alaska is unparalleled. However, the lack of transportation and technology infrastructure and the extremely high cost of living¹ bring unique challenges to Alaska Native communities in Rural Alaska. Many commonplace amenities in most areas of the lower 48 states, and even urban Alaska (e.g. running water, flush toilets, transportation infrastructure, internet services), are not readily available in Rural Alaska.



The Yukon-Kuskokwim Delta

The Yukon-Kuskokwim Delta (the “YK-Delta”), is located in Southwest Alaska. Geographically our region is about the size of the State of New York, approximately 55,000 square miles. As is characteristic of Rural Alaska, there are no roads connecting the 48 communities to each other or to the rest of Alaska. The main source of transportation within the region is by small aircraft. In the summer, travel by boat on the rivers and in the winter by ice road or snow machine trails is also commonplace.



The YK-Delta's population is approximately 26,000 people. 85% of the population is Alaska Native. The population is young, with a median age of 24-years-old. The YK-Delta is home to 56 federally recognized tribes, whose members are of Yup'ik, Cup'ik, and Athabascan descent. Members of the 56 tribes live in 48 communities (i.e. traditional Alaska Native villages) in the YK-Delta. Communities are located along the Yukon River, Kuskokwim River, and the Bering Sea Coast. Many villages are located on original traditional hunting grounds or fish camps. A subsistence lifestyle (fishing, hunting, and

gathering of native species) is widely practiced, and is the primary source of food for many tribal members.

The Association of Village Council Presidents

The Association of Village Council Presidents (AVCP) is a regional Alaska Native non-profit organization and tribal consortium. All 56 federally recognized tribes of the YK-Delta are members of AVCP, making AVCP the largest tribal consortium in the Nation (with 23% of Alaska’s tribes and 10% of all tribes in the Nation). AVCP provides community development, education, social services, culturally relevant programs, and advocacy to member tribes and their tribal members.

AVCP provides services on behalf of the U.S. Department of Interior, Bureau of Indian Affairs to member Tribes who choose to compact with AVCP. AVCP also provides additional services to all tribes and tribal members, regardless of compact status, on behalf of the Federal government or the State of Alaska (e.g. cash assistance benefits such as Temporary Assistance to Needy Families (TANF)).

AVCP operates several programs through its Family Services Center and Tribal Resource Center, including cash assistance benefits, child welfare, road construction and planning, Indian trust services, early childhood education, public safety, and other programs. We deliver services using a four-tiered model: at the village level, sub-regional level (i.e. “hub” villages), regional level (i.e. Bethel, Alaska), and out-of-region.

Public Safety in Rural Alaska

On June 28, 2019, Attorney General Barr declared a law enforcement emergency in rural Alaska, calling the law enforcement challenges “complex, unique, and dire[.]”² His observations were based on his own personal experience visiting Alaska and traveling to the different regions and meeting with tribal officials and tribal public safety officers in person.

The public safety crisis in rural Alaska is well documented.³ The statistics are stark and overwhelming:

¹ In December 2018, the average cost of groceries for US households was \$149 – in Bethel, Alaska it was \$396; the costs in more remote villages are even higher, <http://live.laborstats.alaska.gov/col/col.pdf>.

² Department of Justice Press Release 19-728 <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-announces-emergency-funding-address-public-safety-crisis>.

³ See A Roadmap for Making Native America Safer, Chapter 2 – Reforming Justice for Alaska Natives: The Time is Now (The Indian Law and Order Commission’s Report to the President and Congress of the United States) https://www.aisc.ucla.edu/iloc/report/files/Chapter_2_Alaska.pdf. See also the “Lawless: Sexual Violence in Alaska” series by the Anchorage Daily News and ProPublica, <https://www.adn.com/lawless/>.

-
- 59% of adult women in Alaska have experienced intimate partner violence, sexual violence, or both.⁴
 - Reported rape in Alaska is 2.5 times the national average.⁵
 - Alaska Natives comprise just 19% of the state population, but 47% of reported rape victims. Alaska Native women are over-represented by 250% among domestic violence victims.⁶
 - In Rural Alaska’s tribal communities, and for Alaska Native women living in urban areas, women reported rates of domestic violence up to 10 times higher than in the rest of the United States and physical assault victimization rates up to 12 times higher.⁷
 - More than 95% of all crimes committed in Rural Alaska can be attributed to alcohol.⁸

In the face of these statistics, tribes and tribal communities have little to no law enforcement resources to keep their members safe. Tribal communities rely on a patchwork of state law enforcement (Alaska State Troopers), state-funded and tribal-hired law enforcement (law enforcement provided by tribal consortiums, such as AVCP, through the Village Public Safety Officer Program), and local law enforcement (Village Police Officers or Tribal Police Officers). This patchwork approach leaves many gaps in service and most rural communities struggle to keep even one officer employed⁹, and as a result our communities – and the Nation’s northernmost border – are left unprotected.

Alaska State Troopers

The State of Alaska’s Department of Public Safety (DPS) includes the Alaska State Troopers (AST) Division. AST is responsible for providing public safety for areas too small or remote to employ local police. However, there are limited numbers of State Troopers. The vast majority are stationed along the road system. The ASTs stationed in Rural Alaska are based only in the hub villages. AST responds primarily to felonies, however transportation challenges, which includes inclement weather conditions, results in response times that vary from a few hours to several days.

⁴ “Missing or murdered? In America’s deadliest state, one family is still searching for answers.” USA Today, July 1, 2019, <https://www.usatoday.com/in-depth/news/nation/2019/06/25/deadliest-state-women-alaska-rape-and-murder-too-common-domestic-violence-rape-murder-me-too-men/1500893001/>.

⁵ *Id.*

⁶ Chapter 2, ILOC Report at 41 https://www.aisc.ucla.edu/iloc/report/files/Chapter_2_Alaska.pdf.

⁷ *Id.*

⁸ *Id.*

⁹ In May 2019, 98 tribal communities, with a total population of 30,000, had no state-funded law enforcement at some point in 2019. Of that number, about 70 communities had no local police of any kind. “These Cops are Supposed to Protect Rural Villages. They’re in the Suburbs Instead.” ProPublica, December 5, 2019, <https://www.propublica.org/article/looking-for-alaskas-rural-police-force-check-the-suburbs>.

Village Public Safety Officers

Village Public Safety Officer (VPSO) positions are funded through a grant from Alaska DPS. Tribal non-profit organizations and consortia apply for this state funding, hire VPSOs, and station them in tribal communities (i.e. villages). DPS provides training, equipment, and field oversight. VPSO training focuses on five public safety aspects: (1) law enforcement, (2) search and rescue, (3) emergency medical services, (4) fire suppression, and (5) water safety. VPSOs are unarmed and are often the only law enforcement presence in their assigned community.

The VPSO program faces several challenges, including: a steady decrease in State funding, disparity in pay relative to ASTs, and difficulty recruiting and retaining officers. Another challenge is the communities are responsible for ensuring a public safety office building and jail cells are available.¹⁰ Communities that are unable to provide public safety officer housing are also at a disadvantage. AVCP currently employs 4 VPSOs though we are funded for 10 positions and there are 48 communities in our region.

Despite these challenges, VPSOs remain highly desired and sought after by tribal communities in Rural Alaska. When a VPSO is present in a community, they are very effective because they are usually local hires or individuals with a working knowledge of their assigned community. Another desirable aspect of the VPSO Program includes a direct relationship between the community's governing body and tribal non-profit consortium – this gives the local community more input in how public safety is provided.

Tribal Police Officers and Village Police Officers

Tribal Police Officers (TPOs) and Village Police Officers (VPOs) (“tribal law enforcement officers”) are hired by a village's tribal government or municipal government, respectively. Tribal and municipal governments struggle to find funding to hire, train, and retain these officers. There is no sustained source of funding – such as funding determined by a tax base – to pay for training, salaries, or the public safety office buildings. Tribal communities rely on time-limited grant funding (e.g. Community Oriented Policing Services (COPS) grants), for-profit corporation donations, bingo proceeds, or any other source of available funds. As a result, positions are often part-time and do not include benefits. The only training in the State currently accessible to tribes for tribal law enforcement officers is at the Yuut Elitnaurviat training center in Bethel, Alaska. Tribal consortia, like AVCP, provide scholarships for training, but this funding only covers a two-week training program. These limitations result in many

¹⁰ In the summer of 2018, AVCP took a comprehensive assessment of public safety buildings in our Region. Of the 48 communities, 38 had public safety facilities – four of those facilities required major renovation or replacement and 24 facilities required some level of renovation. Nine communities had no public safety facilities at all. 26 of the communities had no dedicated public-safety housing. Full assessment available at <https://www.avcp.org/2019/01/26/avcp-public-safety-facilities-assessment-report/>.

young tribal law enforcement officers without training responding to domestic violence calls or incidents involving weapons.¹¹

A Successful Public Safety Service Delivery Model for Rural Alaska

This patchwork approach to public safety services in Rural Alaska is not working – Alaska Native women, children, and other vulnerable tribal members living in Rural Alaska are not safe in their communities.

To successfully deliver the public safety services tribal communities in Rural Alaska deserve, four components must be present:

1. Appropriate Resources

For comprehensive public safety service delivery, there must be appropriate public safety resources. In order to recruit and retain law enforcement personnel in our villages, there must be funding to provide reasonably competitive salary and benefits. Further, officers need the standard equipment necessary to do their jobs safely and effectively. Our villages also need public safety infrastructure – this includes public safety office buildings with holding cells, officer housing, and tribal court buildings. These are the basic components required for having a public safety presence in villages.

2. Tribal Authority

In rural Alaska, tribal authority is essential to the development of local-level responses to crime. However, Alaska Native tribes' authority to protect their communities has been called into question due to our unique legal history.

Tribal law enforcement typically happens in Indian Country, as defined in 18 U.S.C. 1151. In 1971, Congress settled Alaska Native land claims through the Alaska Native Claims Settlement Act (ANCSA). ANCSA has been interpreted by the United States Supreme Court as eliminating almost entirely "Indian Country" in Alaska.¹² This cast Alaska tribes' criminal jurisdiction into doubt and prevented them from exercising the authority or accessing the funding granted to other tribes under legislation that has been passed to address crime in "Indian Country."

¹¹"For Quinhagak tribal officers, law enforcement training means feeling prepared for a job they were already doing." KTOO, July 2, 2019 at <https://www.ktoo.org/2019/07/02/for-quinhagak-tribal-officers-law-enforcement-training-means-feeling-prepared-for-a-job-they-were-already-doing/>.

¹²*Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998).

Furthermore, with the enactment of Public Law 83-280 (i.e. “PL-280”) the federal government withdrew from law enforcement in rural Alaska and transferred authority to the State, even though state law enforcement (with the exception of serious felonies) is largely absent in our villages. Additionally, with the apparent extinguishment of Indian Country in Alaska, Alaska Tribes are unable to request that the federal government re-assume federal criminal jurisdiction of certain violent crimes in their villages.

The inability of Alaska’s tribes to access the BIA’s tribal law enforcement funding combined with the apparent loss of authority to prosecute crimes committed within their villages due to the loss of Indian Country leaves tribal governments flummoxed as they attempt to protect tribal members from disproportionately high rates of violence. As a result, Tribes remain dependent on the highly centralized and thinly stretched state law enforcement.

As the federal Indian Law and Order Commission (ILOC) found in their 2013 report, by recognizing Alaska tribes’ criminal jurisdiction over their members in their internal village boundaries, it is “easier to create State-Tribal MOUs for law enforcement deputization and cross-deputization, cooperate in prosecution and sentencing, and apply criminal justice resources of optimal, mutual benefit” and it will facilitate the ability to create “intertribal courts and institutions.”¹³

3. Training

Adequate training is necessary to recruit and retain officers, promote officer safety, and to increase officers’ presence as a crime deterrent. Most police certification programs, such as the U.S. Indian Police Academy and the Alaska Law Enforcement Training Academy, are approximately 16 weeks in length. These full length-certification programs are then followed by field officer training and continuing education.

In addition to its full-length certification, the State of Alaska’s Law Enforcement Training Academy provides the 10-week VPSO certification program. The cost to attend the VPSO training is roughly \$65,000 per recruit, at a minimum. For tribes in rural Alaska, the state’s public safety academy is a cost prohibitive option. The only in-state alternative for TPOs/VPOs (law enforcement hired directly by local tribal communities) is the two-week basic training course offered by [Yuut Elitnaurviat](#), in Bethel Alaska.

¹³ Chapter 2, ILOC Report at 55 https://www.aisc.ucla.edu/iloc/report/files/Chapter_2_Alaska.pdf.

4. Career Path

Creating a youth engagement model to foster an interest in law enforcement careers and steering youth away from behaviors and activities that will result in future hiring barriers is a systemic solution to the current recruitment issues for public safety officers in Rural Alaska.

Introducing middle school and high school aged youth to a career path and keeping them engaged throughout their secondary education is a successful model for Rural Alaska. The University of Alaska's Alaska Native Science and Engineering Program (ANSEP) is a nationally recognized program for its success in placing Alaska Native and rural students on a career path toward leadership in the fields of science, engineering, mathematics, and technology. AVCP has partnered with ANSEP to increase the number of students from our region who attend ANSEP programs, with great success. We know that a similar model will produce similar results in public safety.

Three Recommendations

The following recommendations will have an immediate positive impact for public safety service delivery in rural Alaska.

1. Permanent, direct, noncompetitive base funding

A permanent source of funding will help tribes secure the fundamental and basic resources to provide public safety. Currently, the primary source of law enforcement funds Alaska's tribes can readily access to are Department of Justice funds issued through several grant programs. However, the insecurity and administrative burden of applying for grants on an annual or bi-annual basis is not an effective or efficient model for funding public safety services for tribes in Rural Alaska.

Tribes need a permanent and reliable source of funding that is provided directly to tribes and tribal organizations – not passed through the State.¹⁴ One such method is through compacting, a process whereby a recurring base amount of funding is provided upfront to a tribe or tribal organization to fulfill certain governmental purposes (in this case, providing basic public safety and law enforcement services). Compacting funds through tribal organizations/consortia has proven to be an effective way to manage federal funds and provide services to Alaska's tribes in both social services (Bureau of Indian Affairs funds) and healthcare (Indian Health Service funds) contexts.

An example of compacting authority legislative language for the Department of Justice is below:

¹⁴ On June 28, 2019, the Department of Justice made \$6 million dollars available to the State of Alaska for critical law enforcement needs of Alaska Native villages. On October 16, 2019, the Alaska Department of Public Safety published a solicitation for grant applications from tribes and tribal organizations. Awards were not made until May 2020.

Sec. ___ ACCESS TO JUSTICE. (a) Notwithstanding any other provision of law, the Attorney General may make compacts or and enter into contracts with entities defined in Section 7(a) of P.L. 92-203 [Native non-profit organizations] or consortia of such entities to provide grants from any Department of Justice program including the Criminal Division, United States Attorneys, Federal Bureau of Investigation, Drug Enforcement Bureau, Office of Justice Programs (including State and Local Law Enforcement Assistance programs, Community Oriented Policing Services (COPS), Office of Violence Against Women, and Juvenile Justice Programs), or other tribal justice, law enforcement, restorative justice, crime prevention, or other programs to expand and improve law enforcement and criminal justice in Native communities and to prevent violence against Native women.

In order to protect tribal communities, tribes must have the funding to secure the necessary law enforcement and public safety resources.

2. Support S.2616, Alaska Tribal Public Safety Empowerment Act

The Alaska Tribal Public Safety Empowerment Act (S. 2616) was introduced by U.S. Senator Lisa Murkowski (R-AK) on October 17, 2019. The bill recognizes that regardless of land title, Indian Tribes in Alaska have inherent civil and criminal jurisdiction over all Alaska Natives present in their villages and that Indian Tribes in Alaska have full civil jurisdiction within their villages to issue and enforce domestic violence protection orders involving any individual. The recent and unprecedented pandemic has highlighted the need for this authority also to be expanded to empower tribes to enforce tribal health and safety ordinances.

The bill also creates a new pilot program in Alaska in which the Attorney General would select up to five tribes or inter-tribal organizations each year to exercise general civil jurisdiction over all persons within the village, plus criminal jurisdiction over all persons concerning the following crimes: domestic violence, dating violence, violation of a protective order, sexual violence, stalking, sex trafficking, obstruction of justice, assault of a law enforcement or correctional officer, any crime against a child; and any crime involving the illegal possession, transportation, or sale of alcohol or drugs.

Passage of S.2616 gives a practical, tailored, Alaska-centered solution to a unique Alaska problem and gives Alaska's tribes the clear authority to protect their tribal members and communities.

3. Fully Fund Comprehensive Training for Tribal Law Enforcement Officers

What a comprehensive training program looks like may differ from region to region, but the need for tribal law enforcement training is clear. AVCP has reviewed two existing programs from Alaska's tribal health organizations, the Heath Aide Program and the Dental Health Aide Therapy program. Both programs have been successfully delivered in Rural Alaska to address dire community needs and are

nationally recognized for their success. These programs use an applied learning approach, similar to an apprenticeship. Students learn skills, return to their communities to apply them in real world settings, and then come back for advanced training and continuing education to build on foundational skills. A similar model can be used in our region to provide a full-length law enforcement certification course in three-to-four-week segments by an experienced training provider (such as Yuut Elitnaurviat).

Proper training is essential to providing law enforcement protection in rural Alaska – this is what our officers and communities deserve.

Conclusion

AVCP makes these recommendations based on decades of experience delivering social services in rural Alaska, years of public safety advocacy, and close working partnerships and collaborations with our member tribes, other Alaska tribal non-profits and consortia, and the Alaska Federation of Natives. These recommendations are proven to work in rural Alaska and are widely supported by Alaska’s tribes and tribal communities.

“We are not asking for anything less or anything more than any other community in Alaska or the United States.”

– Vivian Korthuis, AVCP CEO

Public Safety in the Yukon-Kuskokwim Delta

Solutions for Making Tribal Communities Safer



2019

Association of Village Council Presidents
Bethel, Alaska

AVCP.org



Akiachak, Akiak, Alakanuk, Andreafski, Aniak, Atmautluak, Bethel, Bill Moore's Sl., Cheformak, Chevak, Chuathbaluk, Chuloonawick, Crooked Creek, Eek, Emmonak, Georgetown, Goodnews Bay, Hamilton, Hooper Bay, Lower Kalskag, Upper Kalskag, Kasigluk, Kipnuk, Kongiganak, Kotlik, Kwethluk, Kwigillingok, Lime Village, Marshall, Mekoryuk, Mtn. Village, Napaimute, Napakiak, Napaskiak, Newtok, Nightmute, Nunakauyak, Nunam Iqua, Nunapitchuk, Ohogamiut, Oscarville, Paimiut, Pilot Station, Pitka's Point, Platinum, Quinhagak, Red Devil, Russian Mission, Scammon Bay, Sleetmute, St. Mary's, Stony River, Tuluksak, Tuntutuliak, Tununak, Umkumiut



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Overview

The Association of Village Council Presidents (AVCP) is a regional non-profit tribal consortium of the 56 federally recognized Tribes of the Yukon-Kuskokwim Delta. Our Region lies along the Nation’s northernmost border and spans 55,000 square miles (approximately the size of the State of New York). Our Region has a population of approximately 27,000+ living in 48 communities along to two major Arctic rivers (the Kuskokwim and Yukon Rivers) and the Bering Sea Coast. The only modes of intra-region transportation available are small aircraft year-round and by boat when the rivers are flowing and, truck, snow machine, or four-wheeler when the river is frozen.

AVCP provides social services that enhance the quality of life of tribal members, programs that support the self-governance and self-determination of our member tribes, and is the voice of the Region on a myriad of issues.



2016
Public Safety #1 Priority @
AVCP Convention



May 2018
Organized Statewide VPSO
Strategic Planning



Summer 2018
Conducted AVCP Region Public
Safety Facilities Assessment



August 2018
AVCP Region
Public Safety Summit



January 2019
AVCP Public Safety Taskforce
Formed



February 2019
AVCP Region Tribes Submit
TLOA Requests



May 2019
AVCP Public Safety Proposal
Presented to
US AG William Barr



August 2019
DOI Public Safety Listening
Session in Bethel

For the last three years, our Tribes have prioritized public safety as the number one issue in the AVCP Region. Rural Alaska is facing a public safety crisis, and our Tribes have asked us to look for solutions.

To find solutions, we have consistently engaged with our Tribes and communities, the State of Alaska, and the Federal Government. Through this process we have identified a public safety service delivery model that will work for our communities.

As we explore all potential avenues toward public safety, we know that Alaska Tribes must have criminal jurisdiction to prevent and respond to crimes in their villages.

By partnering with Tribes, the Federal Government, and the State of Alaska, we can make our communities safer. AVCP has created a Public Safety Taskforce to assess the state of public safety in the YK-Delta and to make recommendations for a public safety service delivery model for our Region.

This white paper shares our process and findings.

The Public Safety Crisis

The public safety crisis in Alaska's tribal communities is well documented.¹



Jail Deaths Highlight Ongoing Rural Alaska Safety Issues

A spokeswoman for an Alaska regional tribal consortium says the recent deaths of three people at village jails underscores ongoing public safety problems in rural parts of the state.

By Associated Press, Wire Service Content May 15, 2019



LAWLESS

Why We're Investigating Sexual Violence in Alaska

Something has changed in the way Alaskans talk about sexual assault. A yearlong partnership between the Anchorage Daily News and ProPublica aims to highlight the stories of violence and survival in the final frontier.

by Kyle Hopkins, Anchorage Daily News, May 16, 11:29 a.m. EDT

Domestic Assault In Kalskag Results In Village Lockdown

By GREG KIM (/PEOPLE/GREG-KIM) • MAY 23, 2019

Search And Rescue Recovers Unidentified Body From Kuskokwim River

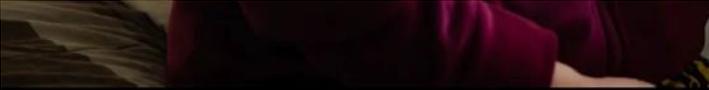
By ANNA ROSE MACARTHUR (/PEOPLE/ANNA-ROSE-MACARTHUR) • MAY 21, 2019

In Marshall, Residents Protect Each Other In A Village Without Police

By TERESA COTSIRILOS • MAR 22, 2018

Public Safety Persists As Top Issue For Y-K Delta Tribes

By ANNA ROSE MACARTHUR (/PEOPLE/ANNA-ROSE-MACARTHUR) • OCT 5, 2018



LAWLESS

At least one in three Alaska villages has no local law enforcement. Sexual abuse runs rampant, public safety resources are scarce, and Gov. Mike Dunleavy wants to cut the budget.

By Kyle Hopkins, Anchorage Daily News

May 16, 2019

This article was produced in partnership with the Anchorage Daily News, a member of the ProPublica Reporting Network.

LAWLESS

How We Tallied Alaska Villages Without Local Law Enforcement

We asked more than 500 organizations representing 195 communities if they employ a police officer of any kind. Of that number, 70 communities reported having no police at some point in 2019.

by Kyle Hopkins, Anchorage Daily News, and Alex Mierjeski, ProPublica, May 16, 11:29 a.m. EDT

¹ See A Roadmap for Making Native America Safer, Chapter 2 – Reforming Justice for Alaska Natives: The Time is Now (The Indian Law and Order Commission's Report to the President and Congress of the United States) https://www.aisc.ucla.edu/iloc/report/files/Chapter_2_Alaska.pdf.

Statewide VPSO Strategic Plan

In May 2018, the ten Village Public Safety Officer (VPSO) Program Tribal Contractors and the Alaska Department of Public Safety met to develop a strategic plan for the Statewide VPSO Program. The strategy that was identified was:

- (1) Communication: branding/identity; building and strengthening partnerships/relationships at all levels; and community engagement
- (2) A VPSO Available in Every Community: funding; strong talent recruitment strategy
- (3) Program Governance: consider innovative and flexible ways to accomplish the VPSO program, i.e. compacting
- (4) Adequate Funding & Policy Influence through Key Stakeholder Outreach
- (5) Define VPSO Roles & Responsibilities.

AVCP is ready to work with the State of Alaska to achieve these goals.

The full Strategic Plan can be accessed [here](#).



AVCP Public Safety Facilities Assessment

In May and June of 2018, the AVCP VPSO Program along with AVCP Facilities, Information Technology, Legal, Communications, and Administration traveled to 45 communities in the AVCP region to conduct general facilities assessments on Public Safety buildings and infrastructure. This information identifies the need for additional infrastructure for Public Safety in the AVCP region. The assessment identified existing and non-existing Public Safety facilities and Public Safety housing in the region.

Of the 48 communities in the AVCP region, 38 have existing Public Safety Facilities. 4 of these facilities require major renovation or replacement. 24 of these facilities require renovations. 9 communities in the AVCP region don't have any public safety facilities and 26 of communities do not have dedicated public safety housing.

The AVCP Region lacks public safety services and infrastructure. In the few communities that have law enforcement, the Tribal Police Officers (TPOs) and Village Police Officers (VPOs) lack adequate equipment and often work in substandard buildings. In emergency and disaster situations, the tribes and community members who respond without adequate public safety are placed in dangerous situations and often must go into lockdown to remain safe. To provide these services, the communities require adequate public safety facilities and housing.

The condition of the Public Safety buildings in each community vary greatly. Some are in very poor condition and are recommended as uninhabitable, while others are in new or very good condition. Most facilities are found to be in-between, needing various amounts of attention to correct safety deficiencies.

AVCP estimates the cost to address this issue to be:

- Replacement of 4 existing Public Safety facilities - \$1.28 Million
- Renovation of 24 existing Public Safety facilities – Phase I - \$300,000
- New Public Safety facilities for 9 communities – \$2.88 Million
- New Public Safety housing for 26 communities - \$6 Million

The full Facilities Assessment can be accessed [here](#).

ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS
**Public Safety
FACILITIES ASSESSMENT**

Summer of 2018



ATMAUTLUAK
300 population
5.04% crimes per capita
0 VPSOs
5 TPOs
3 VPOs



Public Safety Building
1. Window
2. Flooring
3. Chimney
4. Entry Stairs
5. Fuel leak



Public Safety Housing
No housing available

IT Infrastructure
Wireless antenna should be utilized due to condition of building.

AVCP Public Safety Summit

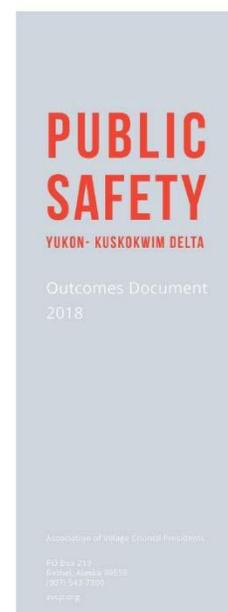
On August 1-2, 2018, AVCP hosted the Public Safety Summit at the Yupiit Piciryarait Cultural Center. The theme of this summit was Public Safety: Addressing Barriers and Identifying Solutions in the Y-K Delta. The public safety summit provided a forum for tribal leaders and public safety providers to guide our work in addressing public safety issues and improving the well-being of our communities.

The Public Safety Summit addressed the following categories: What is Public Safety; Current Status of Law Enforcement – Alcohol and Substance Abuse; Tribal Courts/Circle Sentencing; Parenting and Community-Based Solutions; Success Stories: What is working for our Communities? What do we want Public Safety to look like in our region; Public Safety Priorities by Unit; and Community Based Actions and Solutions.

The following challenges were discussed at the Public Safety Summit: alcohol and drugs, no law enforcement, lack of support for law enforcement, decreased National Guard presence, lack of funding, deficient tribal courts, and that law enforcement is a normal service that is provided throughout the rest of the United States. Proposed solutions identified were: Healthy Families, public safety starts at home, increased community involvement, tribal courts, increased collaboration, training, state involvement, support for current law enforcement, and further development of community programs.

Participants at the Public Safety Summit realized that most communities in the region are facing similar public safety issues and that TPOs have power that they didn't know they have and need additional training.

It was recommended that there are additional Public Safety Summits to follow-up on topics discussed, incorporating culture, adding another day and allowing additional



time for discussions. Another recommendation was to include more elder and youth in discussions.

Public Safety will continue to be a priority of the AVCP Region until community members have achieved the basic need of feeling safe in their communities and their homes.

The Public Safety Summit Outcomes Document can be accessed [here](#).

Tribal Law and Order Act Requests

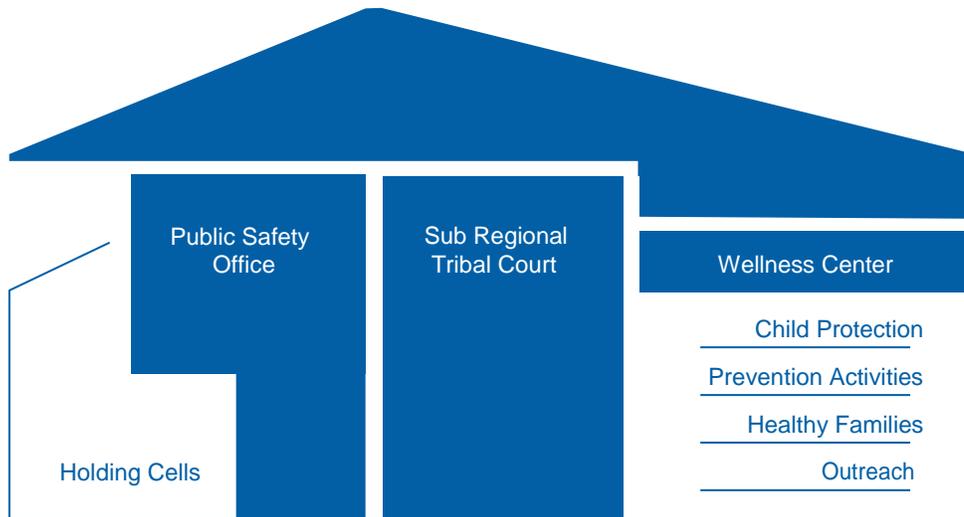
In February 2019, 43 of AVCP's Tribes submitted Tribal Law and Order Act (TLOA) requests to the Department of Justice requesting the United States to assume federal criminal jurisdiction over Indian country in the AVCP Region. A Meeting between requesting Tribe and the Department of Justice is scheduled for February 2020.

U.S. Attorney General William Barr Visits Alaska

In May 2019, U.S. Attorney General William Barr visited Alaska. On May 31st, he traveled to the Yukon-Kuskokwim Delta where he met with AVCP's Public Safety Taskforce in Bethel before traveling to Napaskiak where the Napaskiak Traditional Council presented him with a "Resolution to Request for a Declaration of Emergency."

During his visit to Bethel, AVCP's Public Safety Taskforce presented the **AVCP Tribal Safety and Wellness Proposal: Phase One** to both Attorney General Barr and Senator Murkowski. The full proposal can be accessed [here](#). The abstract is below -

Phase One: Sub-Regional Tribal Safety & Wellness Centers



AVCP's Public Safety Taskforce proposes a holistic approach to public safety in the YK-Delta by basing services out of seven sub-regions (see map). Each Sub-Regional Tribal Safety & Wellness Center will serve six to eight federally recognized Tribes and/or tribal communities in the AVCP-Region. The seven centers will provide full public safety coverage to all 56 tribes/48 communities in the YK-Delta.

Sub-Regional Tribal Court

- Panel judges are cross-trained on individual tribal codes; judges rotate in from each Tribe.
- Panels hear child protection cases; family law cases (adoption, custody, divorce, child support, name change, and guardianship); domestic violence cases (protective orders); and criminal cases (criminal violations of protective orders and tribal criminal codes).
- Alternate panels serve as court of appeals.
- Panels also hear cases referred through State of Alaska's Civil Diversion Agreement.

Sub-Regional Public Safety Office

- Three tribal law enforcement officers based in each sub-region.
- Provide coverage throughout the sub-region on a TDY (Temporary Duty Yonder) basis (respond to crimes, community policing, prisoner transport).
- Employ jail guards on an as-needed basis.
- Officers are cross-deputized under agreement with State of Alaska (can enforce both State and Tribal law).

Holding Facilities

- Sub-regional short-term holding facilities for three to four prisoners at a time.
- Temporary holding facilities in each community.

Wellness Center

Tribal Child Protection

- Houses the Community Family Support Specialist (CFSS) supervisor who supervises six to eight village-based CFSS workers.
- CFSS workers are case workers in tribal child protection cases and are case managers/liaisons for ICWA-compliance in State of Alaska child protective cases when Tribes have intervened.

Healthy Families

- A holistic approach to family and community wellness through the sharing, teaching, and practice of traditional values.
- Offer workshops in villages, sub-regions, and Bethel.
- Sponsor cultural activities for families and children that include connecting them with elders, sharing local plant knowledge, and other activities rooted in our indigenous values.

Prevention

- Preventing future Tribal or State child protective services involvement through early intervention for at risk families.
- Refer families to AVCP services (e.g. Benefits; Vocational Rehabilitation; Healthy Families; Tribal Workforce Development; Education, Employment and Training; Child Care, etc.).
- Provide one-on-one coaching and mentoring for parents as needed.

Safety Outreach

- Provide All Terrain Vehicle (ATV) safety courses and safety gear (e.g. helmets).
- Perform winter trail marking and maintenance for faster response time to public safety emergencies and to reduce injuries and deaths that occur when traveling between villages on ice road trails.

Public Safety Housing

Tribal Law Enforcement Housing

- Provides housing for up to three law enforcement families.

Temporary Safe House

- Provides a temporary shelter for victims of domestic violence who need an immediate safe place to stay.



Phase One Priority Needs

Estimated Cost: \$130 Million

Infrastructure

Current: No adequate multi-function tribal court/public safety buildings exist in the AVCP Region.

Proposal: seven centers – one in each subregion (see map).

Current: Housing is a severe impediment to recruiting and retaining tribal law enforcement personnel. There are only two women’s shelters in the entire AVCP-Region (Tundra Women’s Coalition and Emmonak Women’s Shelter).

Proposal: seven multi-housing units – one in each subregion (see map).

Personnel

Current: Only six full-time law enforcement officers for 48 communities; no full-time court staff in any community.

Proposal: 21 full-time law enforcement officers serving 48 communities; 7 full-time court staff for 7 sub-regional courts.

Training

Proposal: Intensive training/cross-training and ongoing technical support for tribal court judges and court staff provided by AVCP’s Tribal Justice Department. Yuut Elitnaurviat (<http://yuut.org/>) will provide training for tribal law enforcement officers (in collaboration with AVCP’s Tribal Justice Department for cross-deputization training).

Western Alaska Emergency Response Center

In addition to law enforcement officers, public safety facilities, and tribal court infrastructure, AVCP has long advocated for a Western Alaska Emergency Response Center.

Due to the increased traffic along the Bering Sea Coast and the logistical challenges of traveling from the hub community of Bethel to the other communities, the need for a coordinated response plan to emergencies in Western Alaska is critical. The AVCP Region lacks a current comprehensive regional disaster preparedness recovery and resiliency plan. In emergency and disaster situations, the various organizations who respond are in a reactive position. AVCP's plan for the design and development of the Western Alaska Emergency Response Center is an opportunity for Western Alaska to become proactive. AVCP has donated an 8,400 square foot building, located adjacent to the Kuskokwim River, for this purpose. AVCP plans to involve all stakeholders, including Tribes, regional and State entities and programs, in the planning and implementation process.

The Western Alaska Emergency Response Center will:

- ❑ Serve as the headquarters and training center for the regional Village Public Safety Officers (VPSO) program, as well as be available when necessary to other agencies and programs involved in emergency and disaster management (local Search and Rescue groups, local and State law enforcement, visiting federal or military personnel, etc.).
- ❑ Centralize and improve coordination of public safety and emergency responsive preparedness and activities for Tribal, local, State, and Federal law enforcement personnel as well Search and Rescue groups.
- ❑ Secure centralized storage for emergency response equipment.

AVCP estimates it will cost approximately \$4 million dollars to renovate an 8,400 square foot, two-story steel building adjacent to the Kuskokwim River that AVCP has donated toward this project.

U.S. Department of Interior Public Safety Listening Session

In February 2019, AVCP requested a roundtable discussion on public safety held in the AVCP Region. On August 21, 2019, the U.S. Department of Interior (DOI) hosted a Public Safety Listening Session in Bethel, Alaska.

Forty-four Tribes provided [comments](#) on the state of public safety in their villages and requests for assistance from the Federal Government. The tribal recommendations and requests for assistance included these themes:

- Tribes need non-competitive, permanent and direct funding for public safety
- Compacting for public safety
- Infrastructure development and public safety housing is a need
- Training for tribal law enforcement officers
- Better response times from Alaska State Troopers
- Tribal court development
- Interdiction for drug and alcohol smuggling
- Partner agreements with neighboring Tribes and State agencies
- Rotational/roving public safety officers
- Community-based solutions

At the conclusion of tribal comments, AVCP’s CEO requested that AVCP be a demonstration site for a public safety model that includes compacting funding through multiple federal agencies.

Listening Session Participants

Akiachak Native Community; Akiak Native Community; Village of Alakanuk; Algaaciq Native Community; Village of Aniak; Village of Atmaultluak; Village of Cheforak; Chevak Native Village; Chuloonawick Native Village; Village of Crooked Creek; Emmonak Village; Native Village of Georgetown; Iqurmiut Traditional Council; Kasigluk Traditional Council; Native Village of Kipnuk; Native Village of Kongiganak; Native Village of Napakiak; Native Village of Napaskiak; Village of Bill Moore’s Slough; Native Village of Chuathbaluk; Native Village of Eek; Native Village of Goodnews Bay; Native Village of Hamilton; Native Village of Hooper Bay; Native Village of Kwinhagak; Native Village of Marshall; Native Village of Napaimuit; Newtok Village; Native Village of Paimiut; Native Village of Scammon Bay; Native Village of Tununak; Nunakauyak Traditional Council; Native Village of Nunam Iqua; Organized Village of Kwethluk; Orutsarmiut Traditional Native Council; Oscarville Traditional Council; Native Village of Pitka’s Point; Village of Sleetmute; Native Village of Tuntutuliak; Tuluksak Native Community; Umkumiut Native Village; Village of Lower Kalskag; Village of Kalskag; Yupiit of Andreafski

The White House; US Department of the Interior; Bureau of Indian Affairs; U.S. Department of Health and Human Services; Alaska Federation of Natives; Office of Senator Murkowski; Office of Senator Sullivan; Association of Village Council Presidents

AVCP has asked for protection and safety of our families and tribal communities... We are not asking for anything less or anything more than any other community in Alaska or the United States.

Vivian Korthuis, CEO



Public Safety in Rural Alaska:

Testimony: Public Safety Challenges within American Indian and Alaska Native Communities

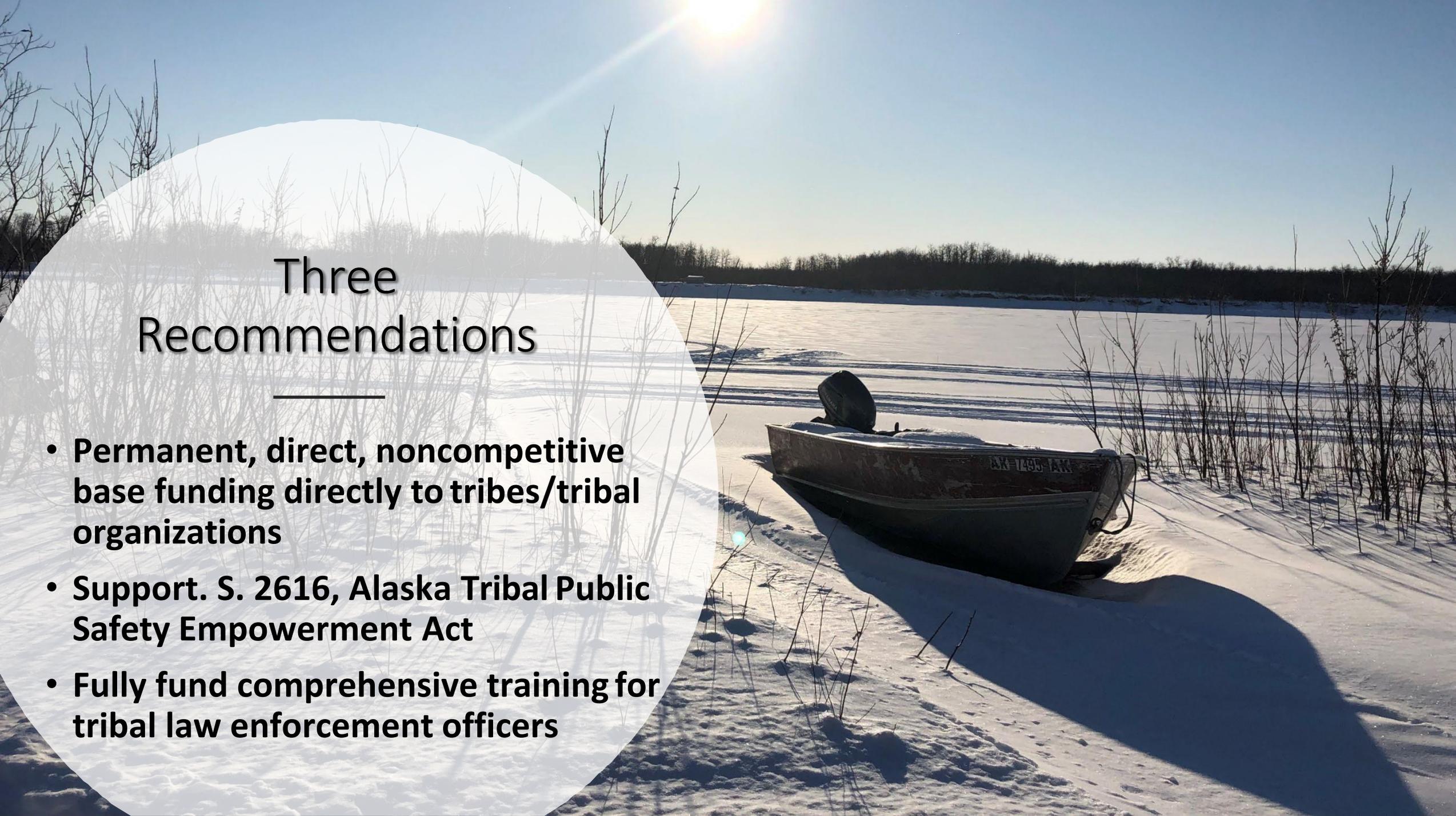
President's Commission on Law Enforcement
and the Administration of Justice



Vivian Korthuis
Chief Executive Officer
Association of Village Council
Presidents

There is a public safety crisis in Rural Alaska



A photograph of a frozen lake with a boat on the snow under a bright sun. The scene is a winter landscape with a clear blue sky and a bright sun in the upper center. The lake is covered in snow and ice, with a small boat on the right side. The boat has a license plate that reads "AK-1495-AK". The background shows a line of trees and a clear horizon.

Three Recommendations

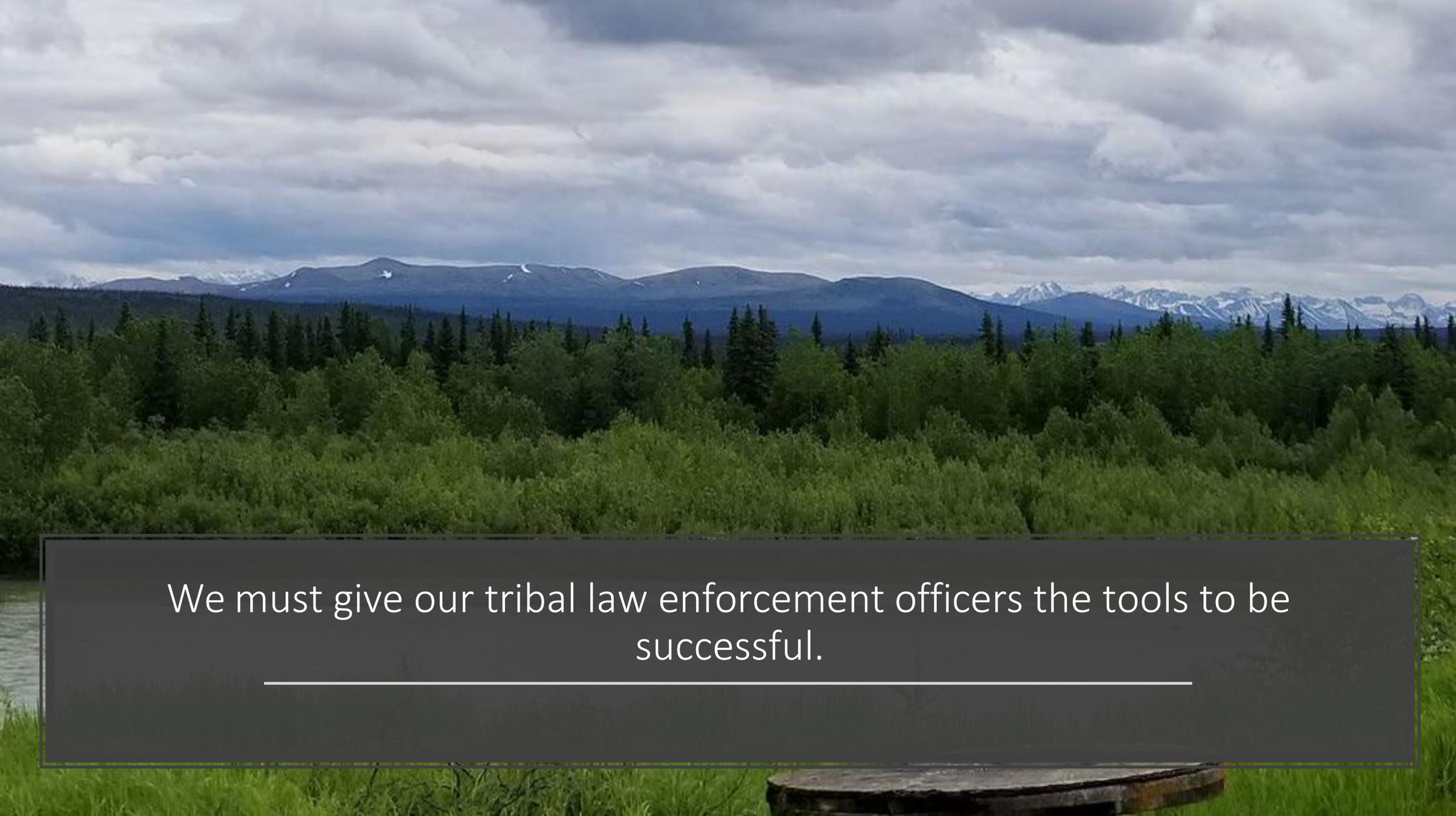
- **Permanent, direct, noncompetitive base funding directly to tribes/tribal organizations**
- **Support. S. 2616, Alaska Tribal Public Safety Empowerment Act**
- **Fully fund comprehensive training for tribal law enforcement officers**



Tribes/Tribal Organizations have successfully provided social services and health care services in Rural Alaska for decades.



Tribal governments must have the authority to keep their members and communities safe.



We must give our tribal law enforcement officers the tools to be successful.



“We are not asking for anything less or anything more than any other community in Alaska or the United States.”

Vivian Korthuis, AVCP CEO



Quyana

Charles Addington

Director of the United States Department of the Interior (DOI), Bureau of Indian Affairs (BIA) and Office of Justice Services (OJS)



Charles Addington is currently serving as the Director for the United States Department of the Interior (DOI), Bureau of Indian Affairs (BIA), and Office of Justice Services (OJS) in Washington DC. Prior to Charlie's appointment to the OJS Director position, he served as the Deputy Associate Director position for the Bureau's Division of Drug Enforcement. In that capacity, he managed numerous national programs, including the agency's drug enforcement and the Indian Highway Safety program. Charlie led the BIA's National Drug Enforcement program which is responsible for complex drug, gang, border and human trafficking investigations effecting Indian Country. Before accepting the Deputy Associate Director position in Muskogee, Oklahoma, Charlie was the Associate Director of Field Operations in Washington DC where he overseen numerous national programs including federal law enforcement, corrections, drug enforcement and Indian Highway Safety programs. Charlie is an enrolled member of the Cherokee Nation of Oklahoma and has over 28 years of law enforcement experience, 23 of which has been in the management of Indian Country law enforcement programs. With his knowledge in the Indian Country law enforcement field, Charlie was selected to work directly on numerous high level initiatives including the Department's Presidential High Priority Goal (HPPG) titled "Safe Indian Communities" and the comprehensive "Protecting Indian Country" projects. In 2013, Charlie was nominated for a Service to America Medal for his work on the HPPG Initiative; where he led the development and implementation of an innovative law enforcement program that significantly reduced the high violent crime rate on four Indian reservations, providing a model for other Indian communities. As a Senior Manager in the organization, Charlie has instructed numerous training programs related to Indian Country law enforcement and is a graduate of the FBI National Academy.

Statement of Charles Addington
Deputy Bureau Director – Bureau of Indian Affairs
Office of Justice Services

Before the President’s Commission on Law Enforcement and the Administration of Justice

May 27, 2020

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 for the Bureau of Indian Affairs (BIA) Office of Justice Services (OJS), this is a very important topic for me and it is truly an honor to be here representing Indian Affairs and Indian Country public safety programs throughout the nation. I am an enrolled member of the Cherokee Nation of Oklahoma and have over 29 years of law enforcement experience, 24 of which have been in the management of Indian Country law enforcement programs.

Public safety and justice in Indian Country is a priority of the leadership at the Department of the Interior and Indian Affairs. It has been and continues to be a top priority for Secretary David Bernhardt and Assistant Secretary Tara Sweeney. They are keenly aware of the painful toll that high crime rates take on tribal communities and on the individual families living in our tribal communities. They also recognize that addressing this 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, we have worked in close consultation with tribes and with our federal partners to hone the efficiency of the tools at our disposal and mount a vigorous response to the public safety crisis. We are looking forward to the recommendations of the Commission on steps that can be taken in the future to enhance our tribal and rural public safety programs.

The BIA OJS provides recurring appropriations to 191 Law Enforcement programs; 96 Detention/Corrections programs; 9 OJS districts, headquarters, and support offices; 230+ Tribal Courts as well as other BIA agency offices that support Public Safety and Justice Programs. The BIA funds are spent either by BIA when they deliver direct services or by tribes when they contract services with funds transmitted to the tribes through self-determination contracts or self-governance compacts, pursuant to the Indian Self-Determination and Assistance Act, P.L. 93-638.

With the limited amount of time, I wanted to touch on just a few areas I feel is most critical to public safety in Indian Country.

Public Safety Staffing

The most important resource needed to address crime in Indian Country is BIA and tribal boots on the ground. Although I believe our Indian Country public safety staff are some of the best in the nation, we can only do so much with the limited resources we have. Indian Country is very geographically diverse, comprised of large and small land areas. For example, the largest is the 16 million-acre Navajo Nation Reservation located in Arizona, New Mexico, and Utah. The smallest is a 1.32-acre parcel in California where a tribal cemetery is located. Due to this diversity in geography, officers must often travel long distances to simply answer calls for service on reservations in predominantly rural areas.

Further exacerbating tribal public safety staffing issues, many tribal programs are having difficulty recruiting new staff and retaining existing staff. Pay levels, lack of benefits, lack of adequate housing and the long hours with minimal staffing levels are the most frequent reasons we hear from tribal chiefs of police regarding their hiring challenges.

Staffing levels can have a tremendous effect on reducing crime. As an example, a few years ago, the BIA OJS implemented an effort known as the “High Priority Performance Goal” (HPPG) [Safe Indian Communities] Initiative to reduce violent crime in Indian Country. Based upon an analysis that showed violent crime rates in tribal communities were above the national average, four reservations were selected as sites for implementing the initiative. The goal of the initiative was to achieve an overall reduction in criminal offenses (violent crime) by five percent within a 24-month period. One of the first steps in achieving this goal was to properly staff the law enforcement agencies at levels on parity with non-Indian Country law enforcement agencies. Staffing levels were increased by utilizing detail staff from other agencies until permanent staff could be hired and on-boarded. After staffing levels were increased, the officers went to work implementing intelligence-led policing techniques and crime reduction strategies that could not be done before with the low staffing levels. At the end of the 24-month period, the four reservations had a combined 35 percent reduction in violent crime.

I also want to point out that although we often talk about the needs of law enforcement officers in Indian Country, I want to ensure that we are not forgetting the other crucial components to public safety: our detention, dispatch and judicial staff. These components are paramount to our success in effectively delivering public safety services in our tribal communities.

Many times I have been asked what the unmet needs are for Indian Country public safety staff. In response, the Tribal Law and Order Act of 2010 (TLOA) requires BIA OJS to submit to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding tribal Public Safety and Justice programs and the unmet needs for uniformed police, criminal

investigations, detention and tribal court programs. This annual report details the unmet needs for Indian Country Public Safety staffing and I recommend that this data should be used as a roadmap for what critical public safety resources are needed in Indian Country. This would meet the immediate unmet staffing needs for Indian Country and provide tribes with the resources that would put them on parity with other law enforcement agencies.

Public Safety Infrastructure

As I travel throughout Indian Country, I am constantly shown public safety facilities that are in dire need of replacement. When speaking with tribal leaders, facilities are one of the topics we get asked about most often. Although Congress did begin allocating some funding back to Indian Affairs in 2018 to replace public safety facilities, there is a much greater need for replacement of facilities to house all public safety components. I recommend that the Commission look for ways to further the expansion of re-building the tribal public safety infrastructure.

Mental Health Wellness Programs for Indian Country

There is an immediate need for adequate mental health resources in Indian Country. Our tribal public safety employees often respond to a high number of violent crimes and witness very traumatic crime scenes without any avenue to maintain their mental health. As we see officer suicide rates increasing and the number of public safety staff experiencing PTSD or other occupational stress, we need culturally appropriate services available locally or within a short distance from our reservations. These much-needed resources would help ensure our most precious public safety resource, our staff, have access to the mental health resources they need when they experience occupational stress. I recommend that the Commission look at ways to require the Department of Health and Human Services (HHS) to provide these culturally appropriate services to Indian Country public safety staff.

Better Data Collection

Another issue we face is the limited amount of data that is collected from Indian Country law enforcement programs. Currently, tribal law enforcement programs do not provide all their crime data to the federal government. Tribes only report crime data to BIA OJS that is included in the FBI's Uniform Crime Report and the monthly drug reports, which does not include crimes such as domestic violence or collect missing person data. Without the submission of adequate monthly crime data by tribal programs, it is difficult to analyze and address some underlying violations that could lead to more violent crimes. With that in mind, I recommend that the Commission consider ways to expand the data set collected when the new National Incident-Based Reporting System (NIBRS) reporting begins on January 2021.

Although I only touched on a few of the obstacles faced by public safety staff in Indian Country, there are many more areas that should be examined and enhanced. I want to once again want to recognize our Indian Country public safety staff throughout the nation. Though they face many

obstacles as they 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 their tribal communities and keep their fellow citizens safe. While we continue to make great strides to enhance 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 am happy to answer any questions.