

Chapter 13. Rural and Tribal Law Enforcement

Most rural and tribal law enforcement officers live, raise their families, worship, and send their children to school in the same communities they serve. As in any jurisdiction, the commitment to serve the public and provide safety is etched into the oath these officers take on their first day.

Success in law enforcement is built on a foundation of community trust. The prerequisites for that trust are sufficient staffing, training, and resources. When officers are stretched too thin responding to calls for assistance, they do not have time to build community relationships, attend training to improve and develop their capacity to protect and serve, and decompress from the unceasing stress of their duties. If they are part of a properly staffed force with appropriate training and equipment, they have the capacity to build those relationships and to ensure they can optimally handle encounters with the public. For example, when a police officer is adequately trained in crisis intervention, a person suffering from meth-related psychosis can often be de-escalated to a nonviolent state.

In studying the issues confronting rural and tribal law enforcement, the Commission found that these officers face many of the same crimes and public safety threats as larger agencies and communities, but often without the funding or resources needed to address them. While law enforcement departments nationwide all face significant challenges in their work, agencies in rural and tribal communities are particularly burdened by a lack of resources, insufficient staffing, outdated equipment and technology, important training requirements to fulfill, and urgent needs within their detention facilities.

Simultaneously the task of public safety has become increasingly difficult with violent crime on the rise in many rural and tribal areas, and officers regularly encountering individuals with mental health needs and addictions. Methamphetamine is a particular challenge for rural and tribal law enforcement today. The overall crime problem in rural communities is largely driven by meth, according to Ronald Parsons Jr., U.S. Attorney for South Dakota. In testifying before the commission, Mr. Parsons noted that many aggravated assaults, domestic violence, sexual abuse, child abuse, robberies, burglaries, fraud and other crimes of violence are all related to meth.”¹

Recommendations within this chapter seek to provide sustainable solutions to ensure rural and tribal law enforcement agencies have the support and resources they need to address the public safety issues in their communities.

3.1 Rural Law Enforcement²

Rural law enforcement agencies are confronted by budget challenges and geographic isolation that contribute to further issues of staff recruitment, retention, and training. Constrained budgets leave relatively limited money available for hiring or training officers. In addition, salaries at these agencies are often not competitive with those at larger agencies and so rural departments often lose talent to other career fields or urban areas.

[CROSS REFERENCE RECRUITMENT AND TRAINING]

In many cases, the level of salary, benefits, and working conditions at rural law enforcement agencies often trails those found in larger nearby agencies that can offer more competitive salaries and benefits. Training officers is another challenge in rural areas. Training can also impact retention, and certainly impacts public safety. Rural agencies can struggle with securing access to quality training opportunities for their officers. Training facilities and equipment are not always available so often travel is necessary to obtain training, but small departments often can't afford to be down an officer to allow for those opportunities. The Department

¹ *President's Commission on Law Enforcement and the Administration of Justice: Hearing on Rural and Tribal Law Enforcement* (May 19, 2020) (written remarks by Ronald Parsons Jr, U.S. Attorney, District of South Dakota). See <https://www.justice.gov/file/1290551/download>

² The commission refers to rural areas as those outside urban areas of 50,000 or more residents. Rural areas compose 97 percent of the United States' land area and are home to 60 million people; see: "One in Five Americans Live in Rural Areas," U.S. Census Bureau, August 9, 2017, www.census.gov/library/stories/2017/08/rural-america.html.

of Justice and other federal agencies sponsor training programs and initiatives, however an assessment should be conducted to ensure that these training resources meet the unique needs of rural and tribal law enforcement and fill the gaps in what is available to them. Lastly, deficient resources also means rural law enforcement lack adequate detention facilities.

3.1.1 States should develop a “pay the backfill” reimbursement program so personnel in nearby agencies can “cover” for officers in rural and tribal jurisdictions to attend job-critical trainings.

Rural and tribal law enforcement agencies routinely struggle with providing training to officers as available manpower is limited, and it’s difficult to backfill an officer’s position. When an officer attends training, a colleague must cover their shift to have appropriate coverage, which may lead to overtime costs. This particularly affects communities that only have one or two officers on-duty at any one time.

The State of Colorado promotes a backfill program that covers an agency’s expenses for paying a police officer from another agency to fill a vacancy while personnel attends a training course.³Erik Bourgerie, the director of the Colorado Peace Officer Standards and Training, explains that the “pay the backfill” program has allowed agencies with 10 or fewer officers to meet their state-mandated critical skills training requirements while still providing law enforcement coverage for their communities.⁴

3.1.____ The DOJ should develop partnerships (through memoranda of understanding) between FBI labs and state forensic labs – particularly in rural areas – to reduce wait times for results on evidence tested.

In South Dakota, in years past, getting certain results from the FBI forensic lab could take 9 to 12 months, according to U.S. Attorney Ronald Parsons. But the FBI developed a partnership with the state’s certified crime lab to conduct forensic analysis on ballistics, DNA, and serological evidence, which has cut the wait time for results down to typically 30 to 45 days. “This is an incredible, collaborative triumph achieved on behalf of the victims of crime in our part of the country,” Mr. Parsons noted.⁵

In August 2020, Attorney General William Barr met with law enforcement representatives in Wyoming, who were also the recipients of \$1 million in grant funding to support crime lab professionals, to analyze controlled substances, and increase data entry for DNA evidence from sex offenders. According to Attorney General Barr, “The important investments in building lab capacity and expanding forensic capabilities announced today will help squelch the flow of illegal drugs, prevent sex offenders from doing additional harm, and keep violent criminals off the streets of Wyoming’s communities.”⁶

3.1.4 Rural and tribal school districts should consider enabling capable, trained, and specially selected school personnel to prevent, recognize and respond to crime and violence on campus. School administrators working with law enforcement should develop, review, and routinely practice emergency plans that outline procedures for faculty and staff during a critical incident on campus.

School campuses are not immune from crime and violence making the need for school-based law enforcement essential. Rural communities have unique challenges when responding to school-based crime, including adequate personnel on duty to meet the threat, proximity of responding officers traveling across wide geographic areas, and proper training to work in a school environment. For years, security in urban schools has been the priority; however, non-urban areas are also susceptible to violence in school and these

³ “A Very Small Agency Backfill Program,” Colorado Peace Officer Standards and Training Board, accessed June 4, 2020, <https://www.colorado.gov/pacific/post/very-small-agency-backfill-program>.

⁴ *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Law Enforcement Recruitment, Training, and Retention* (May 13, 2020) (statement from Erik Bourgerie, Director, Colorado Peace Officer Standards and Training), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

⁵ *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Rural and Tribal Law Enforcement* (May 19, 2020) (written remarks by Ronald Parsons Jr, U.S. Attorney, District of South Dakota). See <https://www.justice.gov/file/1290551/download>

⁶ <https://www.justice.gov/opa/pr/department-justice-awards-over-1-million-forensic-grants-aid-wyoming-investigators>.

areas must be prepared to protect students and faculty on campus. To do this, school administrators and law enforcement executives should work together to tailor a solution that meets their unique needs.

To address the increasing risk of school-based violence, school executives in rural areas should work with law enforcement and emergency management agencies to develop and implement a comprehensive emergency plan that uses an “all-hazards” approach, “which takes into account a wide range of possible threats and hazards [and] includes those that might take place in the community that might impact the school.”⁷ These plans should consider a range of threats, including weather-related hazards, and pandemics. Most importantly, they should account for the dangers associated with active shooters and other potential violent offenders. These plans should also be mindful of the unique characteristics of the school, its surrounding areas, and its staff. Because rural schools are not typically equipped to conduct threat assessments and response training, they should use the resources provided by the Department of Justice and the Department of Education to devise plans that are specific to each campus and their school’s needs.

Technology Within Rural and Tribal Areas

Technological advances in recent years have changed the nature of policing so significantly that many methods and tools from just a decade ago have become antiquated and incompatible with current technology. In general, the current data suggest that, due to the lack of resources and training, rural law enforcement agencies have been unable to access and use many new technologies.

[CROSS TECHNOLOGY]

3.1.6 The Department of Justice should prioritize funding for rural and tribal law enforcement agencies to develop computer-aided dispatch, records management systems, [HD1] in-car computer systems that leverage their compatibility with national, state, regional, tribal, and local information sharing systems, and FirstNet Authority to provide secure and reliable data access to in-car systems.

Computer-aided dispatch (CAD) is considered a standard in modern-day policing and should be networked with in-vehicle computers and given the ability to connect to national databases. As CAD is an essential tool for policing, state and local governments should ensure that their agencies meet those standards through necessary funding and coordination. These systems should also contain a records management system (RMS) and in-vehicle computer systems, where feasible.

These CAD, RMS, and in-car computer systems may take different forms in different jurisdictions. Some may be a statewide system that agencies can pay to access, or it may be a number of linked regional systems that provide the same capabilities. By encouraging a systems approach to CAD and RMS, regional and state-wide solutions can be developed, implemented, and supported regardless of the agency size or vendor.

Although CAD provides state-of-the-art capabilities for most departments across the country, not all law enforcement agencies share equally in its benefits. Some agencies do not have CAD as a standard tool, and others do not have the same level of technology or access to necessary databases and complementary systems.

FirstNet is a national broadband network dedicated to public safety. Given FirstNet’s ability to connect distant and remote jurisdictions with the information that will help them stay informed during routine patrol, planned events, and emergency situations, states should work to ensure that all agencies have the opportunity to join the system. FirstNet uses digital broadcasting to equip first responders with advanced and uninterrupted communications capability across the country, including in remote jurisdictions where

⁷ Readiness and Emergency Management for Schools Technical Assistance Center, *Building Blocks to School Safety: A Toolkit for Schools and Districts for Developing High-Quality Emergency Operations Plans* (Silver Spring, MD: U.S. Department of Education, 2018), 2, https://rems.ed.gov/docs/BuildingBlocksToSchoolSafety_ToolkitForEOPs.pdf.⁸ See: Tribal Law and Order Act (TLOA), 25 U.S.C. 2801 (2010), and the Violence Against Women Reauthorization Act, Pub. L. No. 113-4, 78 Fed. Reg. 47717 (2013)

communications systems are often deficient due to environmental conditions and a lack of modern technology.

3.1.9 Congress should review existing public safety grant programs through the Department of Justice to be equitably allocated to rural and tribal law enforcement agencies. The federal agencies should also examine the feasibility, costs, and benefits of expanding the performance periods and lowering the match requirements for grants awarded to rural and tribal law enforcement agencies.

One of the biggest challenges in a law enforcement agency executives in rural areas often find it challenging to is managing the agency's budget and finding new ways to meet a growing number of public and officer safety needs with limited resources. To address these challenges, many agencies seek grants. Grant programs are can be highly competitive and are often based on factors that make it difficult for a rural or tribal agency to be successful. The DOJ and other federal agencies should review existing grant programs to ensure that rural and tribal law enforcement agencies have equal opportunities to receive funding. Once funding is received, administrative requirements can present unique complications for rural and tribal agencies. For example, many struggle to absorb the costs necessary to sustain funded activities or officers once the grant period ends, and in meeting financial match requirements. Extending the grant performance period and lowering the local match requirements would reduce some of the financial burden associated with accepting law enforcement grants.

3.2 Tribal Law Enforcement

In much of Indian Country, tribal law enforcement and tribal justice systems hold criminals accountable, support victims and survivors, and confront precursors to crime, such as alcohol and other substance abuses. These efforts are often in partnership with and supported by federal agencies and have found legal support through the passage of legislation.⁸

The safety, security, and prosperity of any community depends on the rule of law and its ability to ensure residents live free from the fear of crime and tribal governments are no different. Like other governments, Indian tribes carry out law enforcement, firefighting, trauma response, and other activities that promote the public safety of those who reside in their communities. As violence sees no boundaries, tribal governments sometimes cross-deputize their law enforcement officers with state, local, or county neighbors.⁹

Tribal agencies range in size from only two or three officers to more than 200. The communities they serve are as small as the Augustine Band of Cahuilla Indians (a federally recognized Cahuilla band based in Coachella, California, consisting of only 12 members) and as large as the Navajo Nation (with a population of more than 300,000 and a land area larger than the state of Connecticut).¹⁰ The public safety challenges in Indian Country are not uniform and vary widely among districts and tribes based upon unique conditions, a complex set of legal jurisdictional issues, geographic challenges, differences in tribal cultures, and the number of tribes and reservations within a particular area.

Tribal law enforcement agencies should be at parity with their non-tribal counterparts in pay, benefits, equipment, training, and technical assistance. Although historic steps have been made in the past couple of years, law enforcement agencies within Indian Country would still benefit from additional resources more comparable to those of similarly situated agencies outside of Indian Country.¹¹ Resource limitations place

⁸ See: Tribal Law and Order Act (TLOA), 25 U.S.C. 2801 (2010), and the Violence Against Women Reauthorization Act, Pub. L. No. 113-4, 78 Fed. Reg. 47717 (2013)

⁹ U.S. Commission on Civil Rights, *Broken Promises: Continuing Federal Funding Shortfall for Native Americans* (Washington, DC: U.S. Commission on Civil Rights, 2018), <https://www.usccr.gov/pubs/2018/12-20-Broken-Promises.pdf>.

¹⁰ The Navajo Epidemiology Center, *The Navajo Population Profile 2010 U.S. Census* (Window Rock, AZ: The Navajo Nation, 2013), <https://www.nec.navajo-nsn.gov/Portals/0/Reports/NN2010PopulationProfile.pdf>.

¹¹ International Association of Chiefs of Police, *Improving Safety in Indian Country, Recommendations from the IACP 2001 Summit* (Alexandria, VA: International Association of Chiefs of Police, 2001), <http://www.tribal-institute.org/download/ACF1262.pdf>.

direct constraints on the ability of law enforcement and justice agencies to protect the safety of Indian Country residents and to prevent crime and victimization. Increased monetary resources—and the translation of these resources into manpower, training, facilities, equipment, program development, research and evaluation, and community outreach—would have a critical impact within Indian Country.

3.2.1 Congress should allocate sufficient, predictable, and dedicated funding for the Department of Justice’s Tribal Access Program.

The DOJ launched the Tribal Access Program for National Crime Information in August 2015.¹² The program was developed to meet the Tribal Law and Order Act (TLOA’s) requirement that tribal law enforcement officials who meet applicable federal or state requirements be permitted access to national crime information databases.¹³ In recent years, the program has been supported by DOJ’s Office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking, the COPS Office, and Office for Victims of Crime. Tribes must have either a sex offender registry program under the Adam Walsh Child Protection and Safety Act, 42 U.S.C. §16911 et seq. (2006); a law enforcement agency with arrest powers; or an eligible agency which serves victims of crime, such as a civil court that issues orders of protection. If a tribe does not have any one of those three agencies, then they are not eligible for the program.

Attorney General Barr praised the value of this access while announcing an expansion in December 2019 saying, “[The Tribal Access Program] provides law enforcement and tribal governments real-time access to data that can help locate a missing person, identify a dangerous fugitive, or prevent a domestic abuser from obtaining a gun, among many other important functions.”¹⁴

Without congressional funding, tribes would not have access to this important data. Also, without sufficient and predictable funding through congressional authorization, the program is annually in jeopardy of being forced to both turn away new applicant tribes and shut down services to the tribes currently in the program.¹⁵

3.2.2 Federal agencies should award more grant-based, competitive Indian Country criminal justice funding as permanent, recurring base funding for tribal law enforcement and justice services.

Federal base funding for tribal justice systems should be made available on equal terms to all federally recognized tribes and should continue from year to year. This approach would help tribes take maximum advantage of federal funding, ensure funds are fairly distributed, and help close the public safety gap that afflicts tribal communities.

According to *A Roadmap for Making Native America Safer*, “DOJ’s involvement has been of great benefit to Tribes. In some cases, it has developed programs explicitly for tribal applicants; in others, it has opened funding streams formerly available only to state and municipal governments to tribal governments. Tribes have taken advantage of these funds to, among other key investments, enhance their criminal codes, develop victim support programs, practice community-oriented policing, design problem-solving courts (tribal drug courts), and create intertribal judicial bodies.”¹⁶

Despite these benefits, the DOJ’s funding approach has some detriments:

¹² “Tribal Access Program (TAP),” U.S. Department of Justice, accessed June 8, 2020, <https://www.justice.gov/tribal/tribal-access-program-tap>.

¹³ Tribal Law and Order Act, 25 U.S.C. 2801 (2010) (2010); and Indian Arts and Crafts Amendments Act, H.R. 725, 111th Congress (2010), <https://www.justice.gov/sites/default/files/usao-az/legacy/2010/10/14/Tribal%20Law%20%20Order%20Act%202010.pdf>.

¹⁴ “Thirty Tribes to be Given Access to National Crime Information Databases,” News 3 Las Vegas, December 17, 2019, <https://news3lv.com/news/local/thirty-tribes-to-be-given-access-to-national-crime-information-databases>.

¹⁵ News 3 Las Vegas, “Thirty Tribes to be Given Access.”

¹⁶ Indian Law and Order Commission, *A Roadmap for Making Native America Safer* (Washington, DC: Indian Law and Order Commission, 2013), 85, https://www.aisc.ucla.edu/iloc/report/files/A_Roadmap_For_Making_Native_America_Safer-Full.pdf.

- Small tribes and tribes with fewer resources lack the capacity to pursue grants, write competitive applications, or administer them. These tribes generally have fewer resources to address their criminal justice needs.
- To construct a strong criminal justice system, a tribe must repeatedly apply for and be awarded many single-issue grants with different deadlines and reporting requirements, which is a significant management challenge.
- Many tribes are uncomfortable with the idea that for one tribal government to “win” grant funds, other tribes must “lose.”

Law enforcement in tribal communities face unique, practical, and jurisdictional challenges, and it is paramount that tribal police have the tools they need to fight crime and maintain public safety in their communities. The DOJ recognizes that investigating crime and prosecuting those responsible is critical to public safety in Indian Country. To that end, the DOJ’s partnerships with tribes and all federal, state, and local law enforcement are crucial.

3.2.3 The Department of Justice should designate specific DEA agents to work in Indian Country. These designated DEA agents should work together with BIA officers, the FBI, and local and tribal law enforcement to reduce the supply of drugs that are fueling violent crime on tribal land.

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. Opioid abuse is also a serious problem in Indian country.¹⁷

Tribal communities therefore need comprehensive action plans to reduce the supply of drugs through enhanced drug enforcement. 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. For all of Indian country, the BIA Division of Drug Enforcement only has 48 agent positions, not all of which are always filled and the DEA has no agents specifically designated for Indian country.¹⁸ To make these organizational structures work, Indian country needs adequate BIA, Tribal, FBI and DEA staffing. The Department of Justice can help provide needed support to these structures by designating DEA agents to Indian country.

3.2.4 Congress should amend relevant statutes to make the transportation, coercion, or enticement of an American Indian or Alaska Native into human trafficking a federal crime.

The purpose of these amendments is to protect American Indian/Alaska Native women living in Indian Country from human trafficking to surrounding cities through being transported, coerced, or enticed. Currently, it is a federal crime for this to occur across state lines. These amendments would make it a federal crime for this to occur across reservation boundaries.

3.2.7 Congress should enact legislation to amend the Bail Reform Act to include the crime of strangulation for which pre-trial detention is presumed.

¹⁷ *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Public Safety Challenges within American Indian and Alaska Native Communities*, May 27, 2020) (written statement of Kurt Alme, United States Attorney for the District of Montana), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

¹⁸ Alme, *President’s Commission on Law*, May 27, 2020

Research shows that strangling a dating or intimate partner highly predicts a perpetrator's likelihood of a future potential domestic homicide. Law enforcement, physicians and other medical professionals note that strangulation victims are at a high risk of repeated abuse or possible death. In the U.S., 10 percent of violent deaths result from strangulation.¹⁹ This is particularly concerning in Indian Country where intimate partner violence is pervasive. Currently, the government can seek detention in strangulation cases under 18 U.S.C. § 3142(f)(1)(A). However, the burden remains on the government to prove by clear and convincing evidence that there are no conditions of release that can ensure the safety of the community or the victim. In cases where there is not a significant conviction history, or a long tribal arrest history, this burden can be difficult to meet. The proposed change would create a rebuttable presumption that would allow release in cases where the defendant is able to demonstrate that there are conditions that will protect the victim and the community while also giving prosecutors the opportunity to better protect victims by detaining offenders throughout the pretrial process.

3.2.8 The Department of Justice should provide grant-based incentives for local, state, and tribal agencies to enter into cross-deputization agreements to assist participating agencies in providing seamless law enforcement services in Indian Country.

Jurisdictional issues arise on tribal lands and where state and tribal lands meet. Cross-deputization of law enforcement officers is one solution to that problem. This not only reduces jurisdictional complexity for all law enforcement officers, it also increases the law enforcement coverage across the usually vast expanses of Indian Country.

Despite the many benefits of cross-deputizing tribal law enforcement officers, several barriers keep tribal jurisdictions and state and local jurisdictions from entering into cross-deputization agreements with each other. These include the cost and burden of tribal law enforcement being certified as law enforcement under state law, liability concerns for the agencies and the officers, and the complexity of the issues.

The federal government can facilitate the necessary training for cross-deputization arrangements without imposing preemptive standards or policies. Public safety is best accomplished at the local level, and providing the resources for training is a simple and straightforward step in the right direction.”²⁰

3.3 Law Enforcement Needs of Alaska

Of the 574 federally recognized tribal nations, 229 are located in Alaska. Each Alaska Native tribal nation is distinctly unique from tribal nations located in the lower 48 states. This is because Alaska Native tribal nations have no treaties with the U.S. government, as treaty-making ended in 1871 after the 1867 Alaska Purchase Treaty with Russia.²¹

Two legal features are important to highlight. First, and unique to Alaska, is the near-total absence of recognized “Indian Country.” In *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998), the U.S. Supreme Court held that millions of acres of land owned by Native villages pursuant to the Alaska Native Claims Settlement Act of 1971 (ANCSA), 43 USC 1601-1624 (1979), no longer qualify as Indian Country.²² That ruling limited the authority of Alaska Native villages to exercise criminal jurisdiction over their

¹⁹ Allison Turkel, “And Then He Choked Me: Understanding and Investigating Strangulation,” *National Center for Prosecution of Child Abuse Update* 20, no. 8 (2007): 1, http://www.ncdsv.org/images/NCPCA_AndThenHeChokedMe_vol_20_no_8_2007.pdf.²⁰ Indian Law and Order Commission, *A Roadmap for Making*, 105.

²⁰ Indian Law and Order Commission, *A Roadmap for Making*, 105.

²¹ Martha Hirschfield, “The Alaska Native Claims Settlement Act: Tribal Sovereignty and the Corporate Form,” *Yale Law Journal* 101, no. 6 (1992): 1331, <https://digitalcommons.law.yale.edu/yli/vol101/iss6/4/>.

²² *Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998), <https://supreme.justia.com/cases/federal/us/522/520/>; and Alaska Native Claims Settlement, 43 USC § 1611 (2019), <https://uscode.house.gov/view.xhtml?path=/prelim@title43/chapter33&edition=prelim>.

lands, which in turn placed an even greater responsibility on the state’s highly centralized law-enforcement and criminal justice systems.²³

Second, Alaska is one of only six mandatory Pub. L. No. 280 states.²⁴ This means that, under Pub. L. No. 280 (see 18 U.S.C. 1162), the State of Alaska—rather than the United States—has jurisdiction to prosecute certain crimes committed by or against Native Americans. Therefore, Congress has assigned state law enforcement and state courts, rather than their federal counterparts, the key role in arresting, investigating, prosecuting, and punishing offenders and therefore protecting public safety in Alaska Native villages. The state is also responsible for providing the bulk of funding and other resources in support of public safety efforts. Bryan Schroder, United States Attorney for the District of Alaska, states, “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.”²⁵

Over the years, efforts have been made to improve public safety within Alaska;²⁶ however to meet the comprehensive law enforcement needs of Alaska, appropriate resources (e.g., adequate funding) are needed to:

- hire sufficient law enforcement officers and provide them with standard equipment and coordination necessary to do their jobs safely and effectively;
- create and sustain public safety infrastructure appropriate to each community’s size and need, such as housing, communications, technology, transportation, holding facilities, offices, and equipment ;
- increase training and cultural competencies for first responders and law enforcement officers.

3.3.1 Congress should allocate permanent base funding to meet the public safety needs of Alaska. This funding should address the inadequate law enforcement staffing.

Referring to her region in western Alaska, Vivian Korthuis, executive officer of the Association of Village Council Presidents, says, “the response to any kind of disaster, or crises, for example, a fire, a death, a drowning, murders [will be minimal because] there are only three officers to respond to any of this.”²⁷

Attorney General Barr answered that call for help by declaring a law enforcement emergency in rural Alaska under the Emergency Federal Law Enforcement Assistance Program: “With this emergency declaration, I am directing resources where they are needed most and needed immediately, to support the local law enforcement response in Alaska Native communities, whose people are dealing with extremely high rates of violence. . . . Lives depend on it, and we are committed to seeing a change in this unacceptable, daily reality for Alaska Native people.”²⁸

According to the Alaska Department of Public Safety (DPS) Recruitment and Retention Plan, the state suffers from high levels of attrition and vacancy rates among law enforcement agencies. The lack of a full staff has had a negative impact on morale, “reduced in-service training, and increased overtime costs for routine shift

²³ U.S. Department of Justice, *Tribal Consultation on Public Safety in Alaska Native Villages* (Washington, DC: U.S. Department of Justice, 2017), <https://www.justice.gov/tribal/page/file/930406/download>.

²⁴ “Frequently Asked Questions about Public Law 83-280,” U.S. Attorney’s Office, District of Minnesota, updated May 1, 2015, <https://www.justice.gov/usao-mn/Public-Law%2083-280>.

²⁵ *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Rural and Tribal Law Enforcement* (May 21, 2020) (written statement by Bryan Schroder, U.S. Attorney, District of Alaska). <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

²⁶ Indian Law and Order Commission, *A Roadmap for Making*.

²⁷ *President’s Commission on Law Enforcement and the Administration of Justice: Hearing on Rural and Tribal Law Enforcement* (May 27, 2020) (written statement by Vivian Korthuis, Chief Executive Officer, Association of Village Council Presidents), <https://www.justice.gov/ag/presidential-commission-law-enforcement-and-administration-justice/hearings>.

²⁸ Office of Public Affairs, “Attorney General William Barr Announces Emergency Funding to Address Public Safety Crisis in Rural Alaska,” U.S. Department of Justice, June 28, 2019, <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-announces-emergency-funding-address-public-safety-crisis>.

coverage. Further, gaps in the agency's ability to deliver public safety services include reduced ability to respond to routine calls for service (including not responding to some calls that are deemed lower priority), slower response times, reduced travel for proactive law enforcement, and a lack of equipment (e.g. aircraft and boats) to effectively respond to calls for service in rural Alaska."²⁹

In addition to increased attrition, recruitments have not yielded adequate numbers to backfill vacancies. DPS has currently authorized 300 Alaska state trooper and 89 Alaska wildlife trooper positions.³⁰ Over the last 10 years, the number of positions has fluctuated based on constitutional mandates, legislative actions, and authorized budgets.

3.3.2 Congress should provide funding to develop and maintain infrastructure for rural law enforcement services in Alaska through a federal agency.

In the summer of 2018, the Association of Village Council Presidents (AVCP) took a comprehensive assessment of public safety buildings in the region.³¹ 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, and 26 of the communities had no dedicated public safety housing.³² In their application for the \$6 million in Emergency Federal Law Enforcement Assistance (EFLEA) grant made available to the State of Alaska by Attorney General Barr, the Alaska DPS expressed its intent to sub-grant those funds to Alaska communities to address problems with public safety infrastructure. The state has awarded those sub-grants to assist 31 rural communities.

Part of the grant package provided to Alaska after the Attorney General's visit in 2019 was \$7 million to the Denali Commission to establish a micro grant program for rural Alaska.³³ The Denali Commission is "an independent federal agency designed to provide critical utilities, infrastructure, and economic support throughout Alaska. With the creation of the Denali Commission, Congress acknowledged the need for increased inter-agency cooperation and focus on Alaska's remote communities."³⁴

The U.S. attorney's office has worked with the Denali Commission, the Alaska National Guard, and the U.S. Department of Defense to identify unused National Guard Armories that can be converted to public safety use in rural communities. The federal government should take an active role to ensure adequate law enforcement in Alaska Native villages, including more extensive funding of infrastructure needs (e.g., housing).

Bryan Schroder, U.S. attorney for the District of Alaska, explains,

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.³⁵

²⁹ "Recruitment and Retention Plan Overview: 2018-2023," Alaska Department of Public Safety, November 14, 2017, <https://dps.alaska.gov/getmedia/ca76d118-d1ca-43c4-85be-49600a4fb8d0/Recruitment-Retention-Plan-Overview-2018-2023>.

³⁰ Schroder, *President's Commission on Law*, May 21, 2020.

³¹ Association of Village Council Presidents, *Public Safety Facilities Assessment* (Bethel, AK: Association of Village Council Presidents, 2018), <http://pcva.247ikonic.com/wp-content/uploads/2019/01/AVCP-Public-Safety-Facility-Assessment--Summer-2018.pdf>.

³² Association of Village Council Presidents, *Public Safety Facilities Assessment*.

³³ Denali Commission, accessed June 8, 2020, <https://www.denali.gov/>.

³⁴ Denali Commission.

³⁵ Schroder, *President's Commission on Law*, May 21, 2020.