

**TESTIMONY OF STANDING ROCK SIOUX TRIBAL CHAIRMAN
RON HIS HORSE IS THUNDER
BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS
FIELD HEARING
ON LAW ENFORCEMENT IN INDIAN COUNTRY
FORT YATES, NORTH DAKOTA**

July 1, 2009

Good morning Senator Dorgan and Senator Thune. My name is Ron His Horse Is Thunder. I am the Chairman of the Standing Rock Sioux Tribe. I want to welcome you both to Standing Rock. I also want to welcome my fellow Tribal Chairmen from the Great Plains and Rocky Mountain Regions who have joined me here today to speak to you concerning the issue of public safety in Indian country.

I want to thank you both for convening today's hearing and for being strong advocates in Congress for the needs of Indian country. You understand that Indian tribes cannot reverse the negative impacts of poverty and isolation until we provide public safety and other essential governmental services to our members on a consistent and routine basis.

Almost one year ago I appeared before the Committee to discuss the Tribe's experience with Operation Dakota Peacekeepers, the emergency response surge that brought 37 Bureau of Indian Affairs (BIA) public safety officers from other reservations to Standing Rock to patrol our eight districts and communities. Last year, I reported the positive impact of the operation and offered concrete recommendations to secure some of the successes of that operation. I attach a copy of last year's testimony for the record of

today's hearing. Unfortunately, most of the recommendations that I offered were not taken by the BIA, and today I must report that many of the successes that I touted last year have eroded.

A. Need for comprehensive holistic public safety program

I will relate the statistics of the Dakota Peacekeepers Operation and where we are faltering today, but at the heart of this matter is the failure of all of us, the Congress, the Federal Agencies and yes, even the Tribe, to create a comprehensive holistic program to address the public safety needs of our community. Nothing demonstrates this more drastically than the recent suicides at Standing Rock. Since January of this year, we have had 9 suicides and 50 attempted suicides. Some may think it inappropriate to discuss suicide in the context of public safety. But for me suicide is not only a tragedy robbing us of our future, it is the miner's canary -- foretelling what lies ahead for us as a community and a Nation if we do not act to address our public safety needs in Indian country.

The number of suicides at Standing Rock is 1,000 times the National Average among Native Americans. The Center for Disease Control (CDC) has said this is an official suicide cluster. Many of those who have taken their lives are children -- some as young as ten years old. Our Executive Director returned from a 14 year old boy's funeral and she said it was surreal because there were so many children and balloons there. To

an outsider, who did not know that our Tribe had lost a young life, it might have looked like a child's birthday party, instead of a funeral.

We are trying to understand why our children are killing themselves. We believe it is related to a sense of hopelessness that people have. They are hopeless about their own futures and that of our community. Some of this hopelessness comes from not feeling safe and in some cases, not being safe. We as a community have a sacred obligation to protect our youngest members. These suicides prompted our elders to ask us about the 37 BIA police officers here last year who patrolled and interacted with our children, young adults and other residents. When we had the larger law enforcement presence people felt safer and that gave them hope. Thus, many people feel our return to the pre-surge law enforcement staffing levels has had a tragic and devastating impact on our community.

We know that a larger law enforcement presence is not the only answer to our problems, but it is part of the answer. So we urge Congress to continue its emphasis on funding public safety needs in Indian country in a holistic matter. There must be more resources for police, criminal investigators, telecommunication operators, correctional officers, food service personnel, Tribal prosecutors and defenders, resources for the construction of police departments, courts and recurring funding for the operation and maintenance of these facilities.

At the same time, however, there must also be Federal funding for counselors, child protection caseworkers and supervisors, and resources for programs to keep children out of trouble such as funding for the Boys and Girls Club of America. These programs provide positive avenues to channel the boundless energy of our youth. In this regard, we are grateful to the North and South Dakota delegation for your support of funding for Standing Rock in the FY 2010 Department of Justice Appropriations bill for these types of services.

B. Impact of Operation Dakota Peacekeepers

The 2008 surge had five goals: 1) reduce crime, 2) target illegal drug activities, 3) provide investigative resources to prosecute domestic violence, 4) provide investigative resources to prosecute crimes against children, and 5) develop a strategy to promote a safe community on the Reservation. In the first two months of the surge, BIA Police made 900 arrests on the reservation. The arrests overwhelmed our Tribal court and adult detention facility. The Tribal Court held arraignments seven days a week to catch up with the workload. The surge continued in diminishing numbers through the end of 2008.

During the six months of the surge, our Tribal Court averaged 339 arraignments per month and the number of complaints received by the BIA Police averaged 350 per month. By comparison, for the first six months of this year, we averaged 233

arraignments and 266 complaints per month. The goals of the temporary surge should be the goals of policing on our reservation every day. These goals are not being met. In fact, we are experiencing a rise in crimes including: domestic abuse; child neglect; minors possessing and consuming alcohol, and aggravated assault. This tells us that the larger police presence was a deterrent.

Thus, if I am asked whether I support a return of the six-month surge on Standing Rock, I do, but I must request that if the BIA renews the surge, it must maintain existing staffing levels from the most underserved Reservations and BIA Police Districts, most of which are located in the Great Plains and Rocky Mountain Regions.

C. Failure of the BIA to address public safety staffing needs

It is troubling that the BIA cannot fill the 12 additional public safety officer positions added by the BIA to Standing Rock in 2008. In 2009, Congress provided \$255,077,000 for law enforcement services and in FY 2008 Congress provided \$228,137,000 for the BIA's law enforcement program. This represents a \$50,623,000 increase in the area of law enforcement in the last two fiscal years alone.

It is unclear how the BIA allocated these increased resources among the BIA's six Office of Law Enforcement Services Districts. It appears to us that the BIA does not have a systematic methodology for distributing its public safety funds, including funds

for detention officers and investigators. We do not understand why the BIA cannot rely on its own data to fairly distribute among the BIA OLES Districts the resources appropriated by Congress. The failure to have a distribution methodology, or to consistently implement it if a methodology is in place, is compounded by the fact that the BIA does not have a successful plan to recruit and retain public safety officers and related personnel required to address Indian Country's public safety needs. While we appreciate and are thankful for Operation Dakota Peacekeepers, we are not confident that temporary law enforcement staffing allocations -- driven by crisis response -- is the most effective solution to address long term law enforcement needs in Indian country.

As a result of the data gathered from the last year's surge, the BIA increased the full-time BIA law enforcement positions at Standing Rock to twenty-five. The problem has been the BIA's failure to fill the 12 additional positions it created. We still only have 13 public safety staff and we are losing one criminal investigator. As a result, we will have fewer public safety officers than we did last year prior to the surge. The BIA cites recruitment and retention challenges for failing to fill the available full-time positions. However, we remain frustrated that the BIA will only put officers on the street who have completed the Bureau's sixteen week training academy in Artesia, New Mexico. Even if we do find people willing to leave their families for four months, we understand there is a waiting list to get into the Academy at Artesia. Meanwhile, we are aware of number of fully-accredited current or former State police officers who want to serve our community. Moreover, I am confident there are many war veterans coming home from Iraq and

Afghanistan who are certified as Military Police, who want to again serve our community and who are well qualified to do so. Nevertheless, the BIA believes it can afford to ignore this pool of well qualified individuals when we and other reservations continue to experience a public safety crisis. This defies all logic.

As Congress takes up S. 797 the Tribal Law and Order Act, we believe it is a priority that the flexibility for BIA officer training be maintained and enacted. However, we would also urge you to try and find an interim solution to this bureaucratic problem now. We suggest that the BIA send trainers from its Artesia academy to the Great Plains Region and provide classroom and field training to State-certified and former Military Police-trained officers now working for the BIA or interested in doing so, so that these individuals can patrol the Standing Rock Sioux Reservation and other reservations rather than be limited, as is now the case, to desk duty. We have encouraged the BIA to coordinate such training with the United Tribes Technical College (UTTC).

While we believe addressing the BIA's excuse for the failure to fill the 12 public safety vacancies at Standing Rock is vital, we again believe that it is a fundamental failure for the BIA not to have or to successfully implement a methodology for the distribution of public safety funds. This problem is equally evident on the detention service side of public safety. It is our understanding that the BIA cannot report to the Interior Inspector General or to Congress how it allocated the millions of dollars it receives from Congress for the staffing, operation and maintenance of detention facilities

in Indian country. Like law enforcement, the BIA again blames recruitment challenges for its staffing shortages in this area. In today's economy, this is simply unacceptable and a dereliction of duty by the BIA to the public safety needs of Indian communities.

In short, the BIA has received more than \$50 million more dollars in the last two fiscal years for its law enforcement program. The BIA should be able to provide Indian tribes and the Congress the answers to the following questions: 1) How many officers, telecommunication operators and criminal investigators did the BIA hire with this money? 2) How many completed training at the BIA Police Academy at Artesia? 3) How many are waiting for training? 4) Where were law enforcement personnel initially assigned by the BIA? 5) How many of those individuals are currently at their initial posts? 6) How many requested reassignment or left the BIA? and most important, 7) How did the BIA determine their placement? The same is true concerning information about correction officers and BIA funding for construction, operations and maintenance (O&M) of adult and juvenile detention services. To date, I am not aware of any such reports by the BIA to Congress or to Tribal leaders concerning these matters. I would urge that the Congress make the above-noted reports a mandatory annual requirement of the BIA.

D. Conclusion

In conclusion, I reiterate the following recommendations to the BIA, many of which I included in my July 2008 testimony before the Committee. None of the

following recommendations were acted on by the BIA last year. I ask for your help and the help of this Committee to direct the BIA to make them happen this year:

1. The BIA should fill all public safety personnel vacancies at Standing Rock immediately using detailed personnel so that the BIA Police Department at Standing Rock operates at the full staffing level of 25 public safety officers. Detailed personnel can then rotate out from Standing Rock when the BIA has hired, trained and housed full time replacement public safety personnel at Standing Rock or as close to the reservation as possible;
2. Grant Special Law Enforcement Commissions to Tribal Game and Fish Rangers so that they may lawfully respond to emergencies;
3. Bring BIA Artersia Academy trainers to the Great Plains Region to provide instruction to former State-accredited police officers and Military Police personnel hired by the BIA, but who have not gone through the BIA's 16-week training academy, so that they may receive interim Indian country training and be authorized by the BIA to patrol on Standing Rock;
4. Install a centralized 911 call center on the Reservation, and ensure that public safety personnel and Tribal Game and Fish Rangers use identical communications equipment to coordinate public safety activities;
5. Provide construction funds to build on-reservation housing for BIA public safety officers and renovate existing BIA police facilities;

6. establish a pilot program at Standing Rock this summer to educate youth about staying out of trouble; encourage Tribal members to pursue careers in law enforcement; and offer recruitment incentives to Native Americans to join the BIA Police academy.

I am happy to answer any questions you may have. Thank you again for holding this hearing today.