

STATEMENT
OF
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BEFORE THE
COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

OVERSIGHT HEARING
TO EXAMINE THE INCREASE OF GANG ACTIVITY
IN
INDIAN COUNTRY

PRESENTED ON
JULY 30, 2009

Good afternoon Chairman Dorgan, ranking member Barrasso and members of the Committee. Thank you for allowing the Navajo Nation to testify today regarding gang activity in Indian Country. My name is Sampson Cowboy and I am the Executive Director of the Navajo Nation Division of Public Safety (“DPS”). I am President Shirley’s designee at today’s hearing.

I want to make it clear that the Navajo Nation DPS agrees with you Chairman Dorgan that this issue has been analyzed and analyzed and analyzed, and we need the appropriate amount of funding so that the Navajo Nation law enforcement has the adequate resources to address and combat these issues. Moreover, the Navajo Nation DPS agrees with the June, 2009, report from the Department of Justice that:

“Tribal communities and federal law enforcement must have the flexibility to react to a specific criminal offense and also to work collaboratively to address proactively up and coming criminal trends. Federal money and dedicated personnel can then leverage and maximize existing tribal efforts.”

My testimony today is divided in three parts: First, I will provide the Committee with a brief introduction describing the Navajo Nation Division of Public Safety. I will then provide the Committee with background and statistical information and Navajo Nation’s efforts to curtail the proliferation of gangs. Lastly, I will provide the Committee with our recommendations on how all stakeholders involved can successfully counter gang activity.

Navajo Division of Public Safety Background

The Division of Public Safety is tasked with investigating crimes, protecting the Navajo People, and the Public, and maintaining and staffing the Nation’s detention facilities. DPS has an annual budget of nearly \$60 million with 700 employees. Navajo Public Safety consists of seven (7) Police Districts and six (6) adult correctional facilities. Fourteen (14) percent of Public

Safety funds are from Navajo Nation General funds while eighty-six (86) percent are derived from federal sources. However, the Division of Public Safety is staffed at a low ratio of .06 Police Officers per 1000 people, compared to the national average of 2.5 per 1,000.

The crime statistics illustrate a daunting challenge for the Navajo Nation. Navajo Nation Law Enforcement answer over 289,000 calls every year and make over 39,000 arrests, nearly 1,000 of which are major crimes. In 2008, the Navajo Nation experienced 14 homicides, 230 sexual offenses, 24 robberies, 363 assaults, 958 burglaries, 1,342 cases of larceny, and 266 cases of arson. We also had 46 cases of selling or manufacturing drugs and 471 cases of possession of drugs.

Brief History of Gangs in the Navajo Nation

A late 1990 Navajo report indicated that Navajo youths join gangs for many of the same reasons that youths in urban areas join them-poverty, unemployment, child abuse and neglect, substance abuse within families and family breakup. The Navajo report indicated that gang violence are related to other Navajo Nation social ills, including domestic and family violence, child abuse and neglect, substance abuse, poverty, unemployment, and the loss of language and culture-the very things that fuel gang activity in urban areas.

The 1990 Navajo report also indicated that Navajo youth gangs are not as heavily engaged in drug dealing, acquiring weapons, and the escalation of weapons violence as gangs in urban areas, but there is a danger of hardening and an escalation of drug trade and weapons in the Navajo Nation unless the gang problem is effectively addressed.

The 1990's saw a dramatic rise in gang activity on the Navajo Nation. The Navajo Nation established the Window Rock Gang Unit as a result of this increase in gang activity. The Window Rock Gang Unit was successful in curtailing the rise of gangs by creating a task force

of various governmental agencies that sought arrests and prosecutions of violent gang members. During the same time period the FBI initiated Operation Safe Trails in New Mexico, Utah, and Arizona to partly address the increase in gang-related activity on the Navajo Nation. These three task forces are still in existence and depend on federal funding. The United States Attorney's Office work diligently to bring criminal gang members to justice. Several of these convicted gang members are still serving time in federal prisons.

In the mid 2000's the Navajo Nation once again saw a rise in gang activity partly due to the introduction of methamphetamine. The Navajo Nation established the Navajo Police Drug and Gang Enforcement Unit as a result of this current increase in gang activity.

Statistical Information

The Navajo Nation DPS developed an Information Management System to track the involvement of gangs in the commission of crimes. The definition we utilize for a gang is "an ongoing formal or informal association of persons whose members or associates individually or collectively engage in the commission, attempted commission, facilitation, or solicitation of any felony act, or who has at least one individual who is a criminal street gang member."

We currently have 225 documented gangs on the Navajo Nation. This is a significant increase from the 75 active gang sets that were documented in 1997. The total number of gang members on the Navajo Nation is between 1,500 and 2,000. In 2008 our IMS tracked 71 cases of gang related crimes. In 2009 we have currently tracked 35 gang related crimes. The primary crimes committed by gangs on the Navajo Nation are property damage including graffiti, burglaries, assaults, theft and public intoxication. The gangs within the Navajo Nation are not currently organized on large scales nor are gangs coordinating with other gangs.

With the recent undercover drug and bootlegging operations that the Navajo Police Drug and Gang Enforcement Unit conducted, the Unit has not seen a significant relationship between Navajo Nation gangs and bootlegging. Undercover officers have encountered gangs members at some of the residences, but the gang members did not associate themselves with the criminal activity involved. The gang members appeared to be children of the individual bootleggers.

However with methamphetamines, the Drug and Gang Enforcement Unit has seen an increase in gang activity. Of the past and current sixty (60) targets that the Unit has come across five (5) of them were gang members. The Unit noticed that the five (5) gang members dealing with methamphetamines were individual gang members and not the whole gang.

The Navajo Police Drug and Gang Enforcement Unit has its own Navajo Nation Gang Database. The Unit shares its Field Interview cards with the Arizona Gang Intelligence Team Enforcement Mission (“GITEM”) Database and will be submitting gang information to the Rocky Mountain Intelligence Network (RMIN).

It should be noted that the Navajo Nation’s gathering of gang data is still in its infancy. The Navajo Nation’s statistical information can be improved with appropriate funding for a tracking system and additional law enforcement officers to accurately track gang data. The rural aspect of the Navajo Nation creates a challenge for DPS regarding the tracking of gangs and their activities. We are in agreement with the Department of Justice assessment that the “remoteness and isolation creates obstacles to effective prevention, control, and reduction of violent crime, drug-related criminal activity, and gang activity.”

Navajo Nation Efforts and Recommendations

The Navajo Nation is capable of tackling this new emergence of gang activity with the appropriate resources. Appropriate resources include funding for an additional six (6) officers in

the Drug and Gang Enforcement Unit; funding for an accurate tracking system of gang members and database; and funding for law enforcement equipment including surveillance cameras; night vision and under cover vehicles. In the bigger picture the Navajo Nation continues to advocate for increased funding for criminal justice facilities to prosecute and incarcerate criminal gang members.

The Navajo Nation DPS employs a multi-faceted and collaborative approach in addressing the gang problem. The main ingredient in the Navajo Nation's arsenal has been the working task force between the Navajo Nation, and her federal and state counterparts and the tracking of gang members. A prime example of this collaboration is our pilot project in the Eastern Navajo Nation Dlo'ayazhi community located in western New Mexico. We employ an arsenal of law enforcement resources including our Gang unit. This pilot project will specifically address the problems experienced in that community.

In conclusion, the Navajo Nation DPS has risen to the challenge in combating the increase in gang activity and will be successful with continued support. On the Navajo Nation, violence and instability are not the norm when it comes to gangs.