



The Confederated Tribes of the Colville Reservation



Prepared Statement of the Honorable Joel Boyd
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United States Senate,
Committee on Indian Affairs

Legislative Hearing on S. 1953, the Tribal Law and Order Reauthorization
and Amendments Act of 2017, and S. 1870, the Securing Urgent Resources
Vital to Indian Victim Empowerment (SURVIVE) Act

October 25, 2017

Good afternoon Chairman Hoeven, Vice Chairman Udall, and members of the Committee. My name is Joel Boyd, and I am a member of the Colville Business Council, the governing body of the Confederated Tribes of the Colville Reservation (“Colville Tribes” or the “CCT”). I serve as the Chair of the Colville Business Council’s Law and Justice Committee, which oversees law enforcement and tribal courts on the Colville Reservation.

I appreciate this opportunity to testify today on S. 1953, which would amend the Tribal Law and Order Act of 2010 (“TLOA”), and S. 1870, the SURVIVE Act. The Colville Tribes supports both S. 1953 (the “TLOA Amendments”) and the SURVIVE Act and urges the Committee to approve them quickly. My testimony will focus on how the Colville Tribes and similarly situated Indian tribes would benefit from both bills, particularly in the area of juvenile justice.

I would like to commend the members of the Committee and the Committee staff for their support for and continued work on the TLOA. The Colville Tribes testified twice before this Committee when the TLOA was first pending in Congress in 2009 and 2010, and we are grateful for the Committee’s willingness to again consider our views.

Law Enforcement on the Colville Reservation

Located in north-central Washington State, the Colville Indian Reservation encompasses approximately 2,275 square miles, and covers a geographic area slightly larger than the

state of Delaware. Although now considered a single Indian tribe, the Confederated Tribes is, as the name states, a confederation of 12 aboriginal tribes and bands from across eastern Washington. The Colville Tribes has nearly 9,500 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of the Tribe's members live on or near the Colville Reservation. Most of the Colville Reservation is rural timberland and rangeland, and most residents live in one of four communities on the Reservation: Nespelem, Omak, Keller, and Inchelium.

Like many other Indian tribes, the Colville Tribes is hampered by insufficient funding, insufficient legal authority to fully punish offenders, and the reluctance of federal authorities to investigate and prosecute violent crimes that occur on the Colville Reservation. Although sparsely populated, the Colville Reservation generates a high demand for police services. The CCT has contracted law enforcement services from the Bureau of Indian Affairs ("BIA") pursuant to the *Indian Self-Determination and Education Assistance Act*. BIA funding limitations have meant that the CCT has a ratio of 2.3 officers per 1,000 residents. This lack of funding for law enforcement personnel translates into response times that often exceed two hours for calls to the more remote areas of the Reservation.

The TLOA Amendments (S.1953)

The Colville Tribes would benefit from several provisions in the TLOA Amendments. Most notably, section 203 of the bill would require the federal government to develop a means for notifying tribes when a tribal member youth comes in contact with federal, state, or other local juvenile justice systems.

In 1953, Congress enacted Public Law 83-280 which authorized several states, including the state of Washington, to exercise authority over certain criminal and civil matters on Indian reservations in the state. By default, local government courts administer detention and probation services, and the state of Washington administers commitment and aftercare services for juvenile matters that occur on-reservation.

The Colville Reservation covers portions of both Ferry and Okanogan counties, and those counties handle juvenile criminal cases. These counties do not consistently report to the CCT when Colville tribal members enter their juvenile justice systems. The section 203 requirement that Indian tribes be notified when tribal member juveniles enter local government systems would be a key first step for ensuring proper coordination for our youth to receive the services and attention that they need.

For example, Ferry County operates a diversion program for juveniles in its system in cooperation with local school districts. The Colville Tribes is often able to provide supplemental community resources and services that would increase the likelihood that a diversion program would succeed with our youth. Notifying Indian tribes when their tribal youth has entered a state or local juvenile system is a common-sense practice that should have been implemented long ago.

Section 203 also requires the federal government to consult with Indian tribes not less than bi-annually on several issues, including the means by which traditional or cultural tribal programs may serve or be developed as promising or evidence-based programs. The CCT has established a traditional justice system called the “Peacemaker Circle,” which is a group composed of tribal elders with knowledge of the CCT’s customs and traditions that facilitates discussion and assists in resolving disputes. The CCT has been interested in utilizing the Peacemaker Circle for criminal matters involving tribal member juveniles for some time. The CCT believes that having federal agencies directly involved in facilitating these discussions would assist in making this a reality.

Also, section 102 of the TLOA Amendments would require the Departments of the Interior, Health and Human Services, and Justice to consult with Indian country and submit a report to Congress on transferring federal funding from different federal agencies and administering the funds under a single plan. The CCT hopes that this report would provide an important record to assist in addressing some of the challenges the CCT police department faces in providing quality policing services for juveniles.

The CCT has been a training ground for many law enforcement officers. Because of budget limitations, the salaries of and benefits for CCT officers are not as competitive as local government jurisdictions. Once our officers have completed their basic training and field training hours, they often move on to other police departments and leave the CCT lacking in capacity, such as forensic interviewing. Coordinating federal resources from different agencies would allow the CCT to maximize funding and resources to fill these gaps.

Finally, the CCT suggests an addition to the reporting requirements in section 101 of the TLOA amendments. In the past, the BIA has been less than forthcoming on how it allocates increases in law enforcement funding. In prior years, the CCT discovered instances where Indian tribes with little violent crime and no staffing need were allocated increases from additional appropriations or carryover funds. To ensure transparency in these allocation decisions, the CCT recommends that language be included that requires the BIA to disclose the methodologies or criteria it uses to allocate funding increases or carryover.

The SURVIVE Act (S.1870)

The SURVIVE Act would create a tribal grant program within the Department of Justice's Office for Victims of Crime and require a five percent allocation from the Crime Victims Fund (CVF) be provided to Indian tribes. The CVF is funded by fines and penalties paid by convicted federal offenders and does not require congressional appropriations. Indian tribes or tribal organizations would be eligible to apply, and the grant funds could be used for a wide range of services for victims of crime—from counseling services for victims to training. The SURVIVE Act would establish a five percent set aside—approximately \$150 million annually—of the CVF for these grants.

The Colville Tribes strongly supports the SURVIVE Act. Resources for Indian victims of crime have traditionally been extraordinarily limited. The SURVIVE Act is an enormous step toward addressing this gap by providing a reliable source of funding for Indian victims that is not subject to annual appropriations.

The Colville Tribes strongly supports the TLOA Amendments and the SURVIVE Act. At this time, I would be happy to answer any questions the Committee may have.
