

**Statement of Marcus D. Wells, Jr., Chairman  
Three Affiliated Tribes of the Fort Berthold Reservation  
Before the Committee on Indian Affairs, United States Senate  
Oversight Hearing on Law Enforcement in Indian Country  
June 21, 2007**

Chairman Dorgan and Members of the Committee: Thank you for this opportunity to provide further testimony with regard to the oversight of law enforcement in Indian Country.

In my recent written submission to the Committee, I discussed the catastrophic shortage of law enforcement personnel on our Reservation and expressed the Three Affiliated Tribes' support for additional resources to place officers where they are needed. We continue to operate at only about 20% of necessary staff – just seven (7) BIA law enforcement officers to cover a service area of one million acres. Moreover, we have discovered that these officers also often detail off-Reservation areas, meaning that there could be as few as five (5) officers or less available to respond to police calls or emergency situations.

To make matters worse, in several instances these BIA officers have simply not responded with appropriate diligence. Recently, six (6) guns and some body armor equipment were stolen from the home of one of the Tribes' own law enforcement officers. The BIA responder took statements, but the Tribes are unaware of any BIA follow-up on this brazen and worrisome burglary. In contrast, just last Friday, an individual made accusations that the same Tribal officer's dog had bitten someone. Several BIA officers, along with other agents, converged on the officer's home in response to the dog-bite allegation. Also recently, a mother called BIA officers to inform them that some individuals were threatening to kill her son, but there was no response from BIA. Instead, BIA officers subsequently arrested the threatened son himself. In another outrageous example, members of two gangs went on a spree of theft and breaking car windows, and then ran down the main street chasing children with an axe and a knife, just one block from the BIA law enforcement headquarters. The BIA response in these situations bears no relationship to the gravity of the underlying circumstances. These kind of actions (or inaction) by the BIA undermine our Tribal residents' faith in the ability of the justice system to effectively meet our needs. Moreover, this state of affairs at Fort Berthold most likely offers an accurate snapshot of the law enforcement problems affecting all of Indian Country.

For these reasons and others, as I have testified previously, the Tribes have determined that effective law enforcement services will be best attained by having the Tribes themselves operate the law enforcement program through a self-determination contract with the Department of Interior pursuant to the Indian Self-Determination and Education Assistance Act (ISDA), Pub. L. No. 93-638. However, from the time we initially proposed to BIA to enter into negotiations for such a contract, we have experienced a lack of communication and cooperation from BIA officials. We requested

certain technical assistance and information from the BIA in order to put together a complete contract package, but we received little or no help. We have still not received the technical assistance we requested. This intransigence needs to be overcome.

In fact, we have noticed a marked decrease in communication and cooperation between the Tribes and the BIA's Aberdeen office since the law enforcement program was moved to the Great Plains Regional Office of Law Enforcement Services (OLES). While this change was meant to improve the efficacy of law enforcement in Indian Country, it has instead made it more difficult for tribes to communicate with the appropriate BIA officials.

The Tribes have always supported the BIA's provision of law enforcement services – including spending a good deal of our own Tribal resources toward effective law enforcement. For example, we have utilized \$600,000 of Tribal funds for the COPS-FAST program, in hopes of increasing the number of responders on our Reservation. However, there are many barriers to overcome – including officer training and cross-deputation with the Federal, state, and local governments. As I mentioned previously to the Committee, more effort needs to be made to ensure that state-run police academies and training programs are certified to provide the necessary basic training for on-Reservation officers. In addition, more work needs to be done to ensure that tribal officers can be authorized to act effectively across Federal, state, and local jurisdictional lines. At Fort Berthold, for example, currently the Tribes would need to enter into cross-deputation agreements with six different counties, in addition to the State of North Dakota and the Federal government.

I look forward to the opportunity to answer any questions the Committee may have, as well as the opportunity to provide supplemental written testimony based on today's discussion.