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BEFORE THE SENATE COMMITTEE ON INDIAN AFFAIRS,
REGARDING THE 2007 FEDERAL BUDGET PROPOSAL FOR INDIAN PROGRAMS

February 14, 2006

Introduction

Mr. Chairman, Mr. Vice-Chairman and distinguished members of the Committee, my name is Gary Edwards and I am the Chief Executive Officer of the National Native American Law Enforcement Association (NNALEA). I am honored and pleased to appear before the Senate Committee on Indian Affairs, regarding the President's Fiscal Year 2007 Budget Request for Indian Programs. Thank you for this opportunity to address you today.

Background on NNALEA

As many of you may be aware, NNALEA is a not-for-profit public service organization founded in 1993, which among other things, provides a forum for the exchange of ideas and new technologies, and establishes networks for training, collaboration, technical assistance, information sharing and investigative assistance between federal, tribal, state and local entities and between all levels of government and the private sector. NNALEA has conducted National Training Conferences across the United States, and has recently completed its thirteenth (13) such Conference from November 15-17, 2005 in Las Vegas, Nevada. Homeland Security, Tribal law enforcement and Tribal community safety and security were issues of significant concern raised at this most recent Conference.

Presidents Fiscal Year 2007 Budget Request for Indian Programs

In evaluating the President's Fiscal Year 2007 Budget Request for Indian Programs, the following maxim espoused by President Abraham Lincoln is worthy of consideration: *"I walk slowly, but I never walk backward."*

Historically, American Indians have been made to "walk slowly" in their pursuit of equality in public safety, health care, detention, education, and so forth. With each step, and as suggested by the wisdom of President Lincoln, progress has been achieved, although much progress is still needed. NNALEA is concerned that the President's Fiscal Year 2007 Budget Request for Indian Programs, if approved in its current form, may result in a regression of progress with regard to American Indian public safety, health, education, self-government, and self-determination.

During the remainder of my testimony on behalf of NNALEA, I will primarily focus upon our concern that the President's Fiscal Year 2007 Budget Request for Indian Programs may result in a regression of progress with regard to American Indian public safety, and I will defer to my fellow panelists with regard to American Indian health, education, self-government, and self

determination. More particularly, I will discuss the President's Fiscal Year 2007 Budget Request for Indian Programs as it relates to the following facets of Indian Country Public Safety which are not adequately addressed in the proposed budget. The most pressing Indian Country Public Safety concerns are:

I. The Loss of COPS Grants - A Crisis

Indian reservations and trust lands are and have been suffering from a public safety crisis. Homicides, juvenile crimes, gang activities, child abuse, drug and substance abuse, and a myriad of other criminal activities occur at staggering rates and plague public safety on the over fifty (50) million acres of land that comprise the Indian reservations and trust lands. According to recent statistics, violent crimes committed against American Indians are more than twice the national average.

The funding that has been provided to tribal law enforcement and first responders to combat this public safety crisis lags behind that provided for non-tribal law enforcement. For example, statistics suggest that the officer-to-resident ratio for non-tribal law enforcement is in the range of 3.9 to 6.6 officers per 1,000 residents, while the officer-to-resident ratio for tribal law enforcement is less than 2 officers per 1,000 residents. This discrepancy is even more troublesome given the fact that oftentimes the territory for which a given tribal law enforcement officer is responsible far exceeds the territory for which a given non-tribal law enforcement officer is responsible. This causes a quicker depletion of law enforcement resources (i.e., law enforcement response vehicles), lengthened response times, and greater risk to the safety of the responding law enforcement officer, thereby resulting in less effective law enforcement service and protection.

Previously, the Community Oriented Policing Services (COPS) has provided direct funding to tribes, through grants, which have provided Indian Communities with funding to hire new tribal law enforcement officers. Since 1999, COPS grants have helped Indian Communities create approximately 1,800 new tribal law enforcement officers. Unfortunately, of these 1,800 new tribal law enforcement officers, the funding for approximately 759 of those officers will have expired by the end of 2006. This is a devastating reduction to the already limited number of tribal law enforcement officers. In addition, each officer lost equates to a three year financial loss of approximately \$100,000.00 to the United States government -- said amount being the amount invested by the government for the officer's placement, equipment, training and technical assistance over a three (3) year period.

By way of example, the Pine Ridge Indian Reservation has 86 sworn tribal law enforcement officers to serve and protect its 41,000 residents and 2.1 million acres of land. As such, Pine Ridge Indian Reservation has an approximate officer-to-resident ratio of 2 officers per 1000 residents, with an approximate officer-to-land ratio of 1 officer per 24,400 acres of land. With the loss of the COPS grants, the Pine Ridge Indian Reservation will lose its funding for 59 of its 86 sworn tribal law enforcement officers. This will change the Pine Ridge Indian Reservation's approximate officer-to-resident ratio to less than 1 officer per 1000 residents, with an approximate officer-to-land ratio of 1 officer per 77,700 acres of land. In addition, the United States government will lose the approximate \$5.9 million it has invested in the officers' placement, equipment, training and technical assistance over the preceding three (3) years. This

does not take into account that the Pine Ridge Law Enforcement Officers will most likely have to self relocate their families to another community to pursue their law enforcement career.

Needless to say, at a minimum, the Fiscal Year 2007 Budget for Indian Programs needs to provide sufficient funding to enable Indian communities, such as the Pine Ridge Indian Reservation, to maintain the law enforcement officers, whose positions are being lost in light of the sun setting of the COPS grants which provided funding for those positions. Although, commendably the President's Fiscal Year 2007 Budget Request for Indian Programs increases the Bureau of Indian Affairs budget for law enforcement activities by \$4.5 million, said amount is not enough to even maintain the current law enforcement activities in Indian Country. For instance, even if the \$4.5 million was used solely to fund tribal law enforcement officers, it would not be enough to maintain the 759 law enforcement officers being lost by the end of 2006 because of the sun setting of the COPS grants which previously provided funding for those positions. Thus, unfortunately, the President's Fiscal Year 2007 Budget Request for Indian Programs, if approved in its current form, will make Indian Communities lose much of the progress that has been made over the past eight years with regard to public safety as it relates to law enforcement officers and resources. There needs to be a line item in the 2007 Budget that provides and additional \$15 million either to the Department of Justice (DOJ) C.O.P.S. office or the Department of Interior (DOI) Bureau of Indian Affairs, Office of Law Enforcement Services (BIA-OLES) for the sustaining of the Tribal Law Enforcement Officer positions lost after the C.O.P.S. grants expired. Also, 2006 federal funds must be quickly designated to stop those Tribal Law Enforcement personnel losses in Indian Country before crises seizes the Indian Communities most at risk A new formula with a quality of life index needs to be developed for calculating Indian Country Public Safety staffing levels which sets a base line for minimum Tribal Law Enforcement staffing levels for each Tribal community.

II. The Rise of Methamphetamine Abuse & Violent Crime in Indian Country

Indian communities continue to be devastated by illegal drugs and alcohol abuse. Statistics suggest that approximately 85 to 90 percent of crime in Indian country derives from some form of illegal substance or alcohol abuse. Illicit substance and alcohol related injuries are the foremost cause of death among Native Americans. Infants suffer in great numbers from the chemical dependencies passed on to them by mothers who are addicted to drugs and alcohol.

As with many non-tribal communities, tribal law enforcement officials have noted that the growing trend of drug abuse in Indian communities is connected to methamphetamine. These officials further note a direct relationship between methamphetamine distribution and violent crime, particularly sexual assault, homicide, burglary, armed robbery, child abuse, and assault to law enforcement officers. The Drug Enforcement Administration, who presented at NNALEA's most recent annual forum, indicated that methamphetamine has risen to become one of the most dangerous drug problems affecting Indian communities. An example of the risk to Tribal communities is clear in the press release cited below:

Office of the United States Attorney, District of Arizona – Press Release – August 30, 2005

“While methamphetamine use and distribution is not unique to Indian country, the use of methamphetamine within the Indian communities of Arizona has had a profound effect,” stated United States Attorney Paul K. Charlton. “A large percentage of the violent crimes prosecuted

by the U.S. Attorney's Office involve individuals under the influence of methamphetamine or other illegal substances. It is our sincere hope and belief that reducing the availability of methamphetamine within these communities will also bring a reduction in the number of violent crimes. It is a fight that we simply cannot afford to lose."

Native Americans are 2 ½ times more likely to be a victim of a violent crime than non-Native Americans. In spite of the recent efforts of Congress to address law enforcement problems in Indian country, many tribal communities continue to lack enough trained law enforcement personnel.

The violent crime rate for Indian Country in 2002 was 49.8 percent higher than the national average for violent crime in non-Indian communities. Violent criminal offenses considered for the above cited crime rate statistics are murder, forcible rape, aggravated assault and robbery.

Gang activity is rampant in some Tribal communities. Much gang related activities go unresolved due to lack of resources, equipment, training, technical assistance, and the remote location of some Tribal reservations, making law enforcement response, back-up, and access difficult, if not impossible. Many times, gang criminals fear little retribution from Tribal law enforcement and the Tribal court system due to jurisdictional limitations.

Add to these monumental Public Safety challenges a major reduction in law enforcement personnel and a loss of resources and technical assistance and you have a crisis at hand for many Tribal communities.

Commendably, the President's Fiscal Year 2007 Budget Request for the Department of Health and Human Services (HHS) includes \$25 million in funding for a methamphetamine initiative. However, said Budget Request does not appear to specifically earmark any of this funding for use by Indian communities. As such, NNALEA is concerned that the President's Fiscal Year 2007 Budget Request, if approved in its current form, does not go far enough in addressing Tribal public safety concerns relating to combating methamphetamine abuse, as it does not ensure that Indian communities will receive any of the funding. This on top of an HHS 2007 budget cut of \$33 million that eliminates the Indian Health Service's Urban Indian Health Program. It seems logical that a portion of the above cited HHS 2007 budget funds should be directed specifically to Tribal Communities.

III. Detention in Indian Country

In the 1997 report "Indian Country Law Enforcement Improvements" the Executive Committee made the following comments. Detention needs in Indian Country involve funding for (1) operations, including staff, equipment, and supplies; (2) facilities, including maintenance, renovation, and new construction; (3) inspection and oversight; and (4) training and technical assistance. Most of the 70 jails in Indian Country are old, unsafe, and do not meet basic code requirements. At the same time, demand, especially for juvenile bed space, is rising. Initial costs for construction and renovation can be phased in over several years. The average, expected life of a jail is about 30 years, and most Indian Country jails were built in the 1960s and early 1970s.

Once complete, however, about 80 percent of the budget should be for staffing. Funds are needed for augmenting current staffing and upgrading staff capabilities through training and technical assistance.

While the above report is several years old, the report of the Department of Interior (DOI) Inspector General “Neither Safe, Nor Secure” verified the deplorable condition of many of the detention facilities and practices in Indian Country. The Presidents 2007 Proposed Budget offsets \$8.6 million in DOJ “Indian Country Prison Grants” while DOI commits \$8.1 million for four major facilities “Improvement and Repair” projects and several smaller projects to bring Indian detention centers up to national standards. Currently, a least four Indian Country detention facilities have been closed with a possible closing of a fifth soon. With four detention projects to be opened and five closed, it would appear that the \$8.6 million for DOJ “Indian Country Prison Grants” should be restored if progress in Indian Country detention is to be made. Not forgetting to mention the additional funds needed, as indicated above for staffing and training.

IV. Tribal Homeland Security

The foundation for Homeland Security is quality community law enforcement and efficient, effective and timely emergency services in a time of crises. The four major elements necessary for these basic foundational Homeland Security capabilities are: (1) have a functional operational emergency plan in place that is compliant and compatible with Federal Tribal, State and local Homeland Security plans (2) possess the human, cyber and physical resources necessary to carry out the mission of law enforcement and emergency services professionals during time of a crises according to their respective emergency plan; (3) possess interoperable communications; and (4) possess the capability to share intelligence and information up and down the national intelligence networks.

Some Tribes may possess a few of these basic four Homeland Security foundational capabilities and a very few may possess them all. Most Tribal communities do not. Funding is necessary to begin the initial planning process and for that matter throughout the entire Homeland Security preparedness, response and recovery processes. NNALEA advocates direct funding to Tribes from all Federal Departments. The Department of Homeland Security (DHS) currently provides Homeland security funding to Tribes through States. There are some notable examples of States and Tribes working together to utilize Homeland Security dollars to build Tribal communities and contiguous local communities Homeland Security preparedness even across multi-State lines. For the President’s Fiscal Year 2007 Budget Request for Indian Programs to embrace these progressive Tribal, State and local Homeland Security Preparedness Collaborations, \$250,000 of the DHS competitive grant funds should be set aside for every State with a Tribe or Indian Nation within their designated boundaries. The DHS funds would be utilized as planning grants to encourage the bottom-up collaboration of Tribal, State and local initiatives focusing on the inclusion of the Indian Communities in the National Homeland Security Strategy.

V. Conclusion.

In conclusion, a public safety crisis exists in Indian communities with regard to the loss of law enforcement officers and resources in Indian Country, the rise of methamphetamine abuse and violent crime in Indian Country, the timeliness of Tribal detention improvements and Tribal inclusion in Homeland Security funding initiatives. Although NNALEA understands that difficult budget choices must be made with regard to the Fiscal Year 2007 budget, NNALEA respectfully requests that Native Americans not be made to "walk backward" with regard to public safety.

In the words of the great Sioux Chief, Sitting Bull, "...let us put our minds together and see what kind of a future we can build for our children." I am happy to answer any questions you may have.

Respectfully Submitted,

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