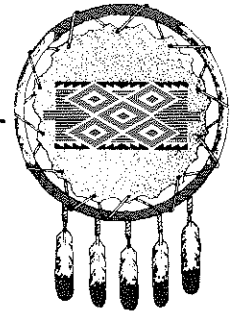




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Testimony of Myra Pearson

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accompanied by David M. Gipp, President, United Tribes Technical College**

Before the Senate Committee on Indian Affairs

March 18, 2010

**“Oversight hearing to examine Bureau of Indian Affairs and tribal police recruitment,
training, hiring and retention.”**

This testimony is provided by Myra Pearson, Chairwoman of the Spirit Lake Tribe and also Chairwoman of the Board of Directors of United Tribes Technical College, on behalf of the Spirit Lake Tribe and United Tribes Technical College (UTTC or “United Tribes”). The testimony focuses on the assistance United Tribes Technical College can provide regarding the urgent need for additional training for law enforcement officers in Indian country.

At present, legislation is pending before the United States Senate, S. 797, the “Tribal Law and Order Act of 2009”, that addresses to some degree the issues of training, retention and recruitment of law enforcement officers in Indian Country. The issue of training is particularly addressed in Title III of S. 797. Section 301(a) of the proposed legislation amends the Indian Law Enforcement Reform Act to create the possibility that graduates of state academies and law enforcement training programs of colleges and universities, including tribal colleges, will not be required to attend the entire 16 week course at what is now the only Indian Police Academy, located in Artesia, New Mexico.

This same theme is repeated in a recent Report sent to Senator Byron Dorgan from the Department of Interior, dated February 3, 2010, called “Protecting Indian Country.” In that Report, the Bureau of Indian Affairs also emphasizes the need to allow graduates of other state police officer training academies and colleges and university criminal justice programs that satisfy the standards established by the Federal Law Enforcement Training Accreditation commission to take a modified, or “bridge training” program to be able to be certified as BIA law enforcement officers. It is contemplated in that report that UTTC could become a center for “bridge training.” While we agree with being a “bridge training” partner, we do not agree that this is the only role for United Tribes.

UTTC agrees that “bridge training” can become a significant part of the entire BIA and Tribal law enforcement training mechanism, and fully anticipates playing a major role in providing such “bridge training.” Yet there remains a need for a BIA Law Enforcement Academy in the Northern Plains. For reasons discussed in this testimony “bridge training” by itself will not provide sufficient new officers to meet the needs of Indian country. Therefore, UTTC has proposed in the past, and again is proposing in this testimony, that a Northern Plains Indian

Police Academy be established at UTTC that will be comparable to the academy in Artesia, New Mexico. This is largely in response to listening to the complaints of Tribal Nations for the past 30 years about the constant shortage of basic law enforcement officers.

The Need for a Northern Plains Indian Police Academy and the Argument for Placing the Academy at United Tribes Technical College

Indian Country Crime

The Senate Committee on Indian Affairs hearings in the 110th Congress confirmed a longstanding crisis in public safety on many Indian reservations. Tribal communities face violent crime rates 2.5 times the national average. The crime rates exceed 20 times the national average on some reservations. Domestic and sexual violence are especially prevalent. It is estimated that, under current circumstances, more than 1 in 3 American Indian and Alaska Native women will be raped in their lifetimes, and 2 in 5 will be subject to domestic violence.

The Senate hearings revealed two primary causes for the violence: (1) a divided and complex system of justice; and (2) the lack of resources for federal and tribal justice systems.

With regard to resources, the lack of police presence is a particular concern. The lack of police presence is compounded by a lack of capacity for training, both basic and advanced, for both Bureau of Indian Affairs (BIA) and tribal police officers.

Police in Indian Country

The BIA Office of Justice Services is the primary federal agency responsible for investigating and preventing crime in Indian Country. The BIA has a service population of about 1.7 million American Indians and Alaska Natives who belong to 562 federally recognized Tribes. The BIA supports 191 law enforcement programs with 40 BIA-operated programs and 151 tribally-operated programs.

The Bureau provides a wide range of law enforcement services to Indian country. These services include police services, criminal investigation, detention program management, tribal courts, and officer training by the Indian Police Academy.

One of the most basic needs throughout Indian country is additional officers on the street. Less than 3,000 federal and tribal officers patrol 56 million acres of Indian lands. On many reservations there is no 24-hour police coverage. Police officers often patrol and respond *alone* to both misdemeanor and felony calls. As a result, tribal and BIA police officers are placed in great danger because back up can be miles or hours away, if available at all.

In its 2006 gap analysis, the BIA estimated that tribal police officers were staffed at 58% of need, which amounted to an unmet need of 1,854 additional police officers on Indian lands. While funding in recent years has helped to begin to address this gap, significant police staffing remain for many tribal communities. The recent report dated February 3, 2010, submitted to

Senator Dorgan relating to law enforcement in Indian country, as referenced above, also emphasizes this fact¹.

Amnesty International's Maze of Injustice Report (April 2007) and the National Public Radio report titled Rapes on Indian Lands Go Uninvestigated (July 25, 2007) made particular note of the lack of police presence on the Standing Rock Sioux Reservation in North and South Dakota. The Standing Rock Reservation suffered a violent crime rate that was 8.62 times the national average in 2008. (BIA 2008 violent crime statistics). In early 2008, the Tribe had only 9 BIA officers patrolling the 2.3 million acre Reservation.² Often only 1 officer was on duty to respond to calls for distress on the Reservation. As a result, victims of crime reported waiting hours and in some cases days for a response to their call.

The Indian Police Academy in Artesia, New Mexico

Presently, most uniformed police officers attend the BIA Indian Police Academy (IPA) located in Artesia, New Mexico. It is an agency requirement that all BIA officers receive their initial training at the IPA. The IPA is a satellite facility of the Federal Law Enforcement Training Center (FLETC) operated by the Department of the Treasury.

The IPA offers an intensive basic police officer training course for new officer candidates. The basic training runs three times a year for 16 weeks. Each session has 50 students. The 16-week course covers academic/classroom training, and field training in areas relating to firearms, driving, and investigations and enforcement. The IPA also offers 20 supplemental programs for certified officers. These programs include specialized trainings relating to corrections, supervision, criminal investigations and many other advanced topics.

While the IPA provides an outstanding training opportunity for potential tribal police officers, the Academy has an annual attrition rate of 47%, and only graduates an average of 80 officers each year. Of those graduates, it has been reported that one-half will leave law enforcement as a career or move to an agency outside of Indian Country. This leaves tribal communities with a considerable unmet need for additional trained officers.

Need for an Additional Indian Police Academy

While the Artesia IPA is convenient for Tribes in the southwest U.S., Tribes in other regions have long sought an additional police officer training center. Most complaints with the Artesia IPA stem from its isolated location and the duration of the 16-week basic training program.

¹ Yet, this same report proposes to add back into the system at least five regional BIA police offices, with a considerable annual cost for staffing these facilities. No satisfactory justification for the increases in cost and staffing new regional offices is provided in the February 3, 2010, BIA report; see pp. 21-22.

² Due to the emergency crime situation at Standing Rock, BIA police officer staffing on the Reservation was increased through the efforts of Operation Dakota Peacekeeper from May 2008-February 2009. However, the BIA has acknowledged that this and similar operations are not long term solutions as they rely on borrowing officers from other Indian reservations.

These factors make it difficult to recruit new BIA police officers who are required to receive their initial training at the Academy.

A 1998 joint Report by the President's Executive Committee for Indian Country Law Enforcement Improvement (led by then-Interior Secretary Babbitt and Attorney General Reno) supported the concept of establishing an additional Indian police training center. The Report noted that "any new facility should be accessible to land and air transportation. The facility could be associated with a university or tribal college.... Ideally, it should be large enough for a driving course and firearms range. In addition, the new academy could be affiliated with a laboratory structure that can address the forensic needs of Indian Country."

The Report concluded that any new training unit should ensure that new officers meet federal standards. In addition, the Report noted that BIA and tribal officers should strive to meet state police officer standards training (POST) so that training received by officers at the IPA is accepted by that state. The Clinton and Bush Administrations prepared to act on this recommendation, but federal law enforcement funding was redirected to address national security concerns raised by the attacks of September 11, 2001.

Location of Regional Academy: United Tribes Technical College

Tribes in the northern Great Plains have long sought a local academy to better serve their law enforcement needs. One justification for an academy in the Great Plains is that a high percentage of Great Plains Tribes rely on direct law enforcement services from the BIA, and BIA officers are required to obtain IPA training. In addition, as illustrated above by the situation at Standing Rock Sioux Tribe, many of the Great Plains Tribes face high rates of violent crime and attendant high numbers of police officer vacancies.

United Tribes Technical College in Bismarck, North Dakota is a ready fit for placement of an Indian Police Academy in the Northern Great Plains for a number of reasons:

- **Criminal Justice Program.** The College is fully accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools, and has offered an Associate of Applied Science degree in Criminal Justice for almost 40 years. Classes offered by the College include: Juvenile Justice, Criminal Investigations, Corrections Training, Police Administration and many others.
- **Reduce the Geographic Disparity and Attrition.** Placing training in a key area of the Northern Plains for Tribal Nations populations will bring training to the largest area of need and demand as to Indian Country population. It will also reduce the attrition of trainees who are located too far away from family and tribe when they are sent to Artesia. It will reduce the cost to Indian Tribes and the BIA by having training on the Northern tier. Added travel and related costs will be reduced. It will assure that more tribes take advantage of available basic and advanced training at a center located at United Tribes.

- **Existing MOU with BIA.** Further, the BIA has an existing Memorandum of Understanding between UTTC and the American Indian Higher Education Consortium, (finalized in May of 2008), in which UTTC will provide supplemental in-service training to BIA and tribal police officers as may be agreed upon by the BIA. UTTC can provide a method for ensuring that appropriate Tribal Colleges and Universities are a part of a 21st Century model in quality and appropriate tribal and Federal Indian law enforcement training.
- **Intertribal structure of UTTC.** UTTC is an inter-tribal organization that operates a career and technical training center under an Indian Self-determination Act contract with the Bureau of Indian Affairs. It is operated by the five tribes that have a presence in North Dakota. Its regional services, offered in a variety of subject areas across the northern Great Plains, are highly respected in Indian country.
- **Location.** UTTC's location adjacent to the Bismarck Airport and in south-central North Dakota would enable it to more easily meet the law enforcement training needs of BIA and tribal officers located in Iowa, Michigan, Minnesota, Montana, Nebraska, South Dakota, Wisconsin, and Wyoming. There is easy air access to Bismarck with two major airlines, and a major freeway connecting points east and west goes through Bismarck.
- **Placement of BIA Officer.** A senior BIA police official has been placed at UTTC in 2008 to assist in developing further the criminal justice and officer training capacity of UTTC. The result of this placement will be special courses offered at UTTC, such as "Policing Indian Country," which are not offered anywhere else.
- **Cooperative relationship with local and state jurisdictions.** UTTC has a working relationship with the City of Bismarck and Burleigh County which are developing a centrally located law enforcement training center in Bismarck, ND. As the training centers for both UTTC and the regional state center are developed, it is intended that a cooperative relationship is established to jointly use training components such as a shooting range, driving course, other specialized training equipment and training facilities. This will reduce costs and afford better qualitative training.
- **Availability of potential educators and trainers.** UTTC's location in the State capitol of Bismarck makes it readily available to pool potential educators and trainers from the U.S. Attorney's office and other tribal and state justice systems.
- **Diversity of student body.** UTTC serves as many as 75 different tribes in any given school year. The diversity of its student body provides students with access to many different cultures that provides an excellent atmosphere for the kind of police training required for modern police officers.

- **A Career Ladder for Tribal and BIA Law Enforcement.** United Tribes currently offers a certificate, a two year degree and will soon be offering a four year degree in Criminal Justice. With the exception of a certificate, the current BIA law enforcement training does not offer any of these options. The UTTC option, with a Northern Plains Tribal Law Enforcement Academy and Resource Center would attract and offer more American Indians into the field of law enforcement with a far better opportunity for career advancement.
- **Potential for college credit for training programs, including advanced training.** UTTC also has the potential to provide college credit for the basic training programs and advanced training programs that could be offered through a Northern Plains Indian Police Academy. Thus, officers trained at a Northern Plains Indian Police Academy at UTTC could, as they see the opportunity to do so, receive at some later point in time a two-year or even a four-year degree and have the basic training received count for a part of that degree
- **UTTC has some infrastructure in place already for such an academy.** UTTC, which has been educating students for 41 years, has not only the necessary land area for a police academy, but has a wide array of student services ranging from food to parking to housing to counseling to academic courses that could fit into such an academy.

UTTC would require some infrastructure improvements in order to offer all the training opportunities currently offered by the IPA in Artesia. These infrastructure improvements fit within the larger goals of UTTC to increase its capacity and better serve its students. UTTC's Board of Directors, composed of the Tribal Chairs of the five tribes within North Dakota, already has made strong commitments to this effort. These commitments include providing basic and advanced training to law enforcement and correctional officers in Indian country, including Tribally operated police and BIA police forces. Some of the funds that are otherwise scheduled to provide regional offices for BIA police could be rerouted to provide the funds necessary for an IPA at UTTC.³

Further, UTTC has indicated its basic support for the "bridge training" concept that it has discussed with BIA officials, but does not see this effort as its primary role. "Bridge training" does not fully meet the needs of Indian Country for more law enforcement officers for several reasons:

- Such training would be offered to those who have already attended another training academy in one of 22 states whose training programs are already FLETC certified. Most state law officer training programs require that the trainee already be hired by a particular law enforcement jurisdiction before entering the program. Thus, "bridge training" only

³ See February 3, 2010, BIA Report on Law Enforcement, p. 21-22.

reaches and recruits those already trained for a state program who might wish to work in Indian country, rather than recruit directly from Tribal citizens in Indian country.

- A similar concern occurs for those who would undergo “bridge training” following a college or university law enforcement set of courses. Presumably, such individuals are seeking a two-year or four-year degree to enter at some other level of law enforcement than simply being a BIA officer in the field. It is not clear that recruitment of these kinds of students to become a BIA officer will be successful enough to fill the needs for BIA and Tribal law enforcement officers in Indian country.
- With the limited number of positions available at Artesia, there are many Native Americans interested in law enforcement who simply never get a chance to get the basic training required to become a BIA or Tribal law enforcement officer. With an Indian Police Academy at UTTC, an opportunity for direct training would be provided that would encourage new individuals to become law enforcement officers in Indian Country.
- Tribal Nations throughout Indian Country have repeatedly complained about severe personnel shortages at the local community level. This includes persons who are basic law enforcement officers, jailers, criminal investigators and other support and specialized staff. On the Northern Plains shortages have been a topic for the past 30 years. It is time to do something about this critical matter.

As a result of the above, UTTC proposes that Section 301 of the Tribal Law and Order Act of 2009 be amended, if necessary, to include authorization for the establishment of another Indian Police Academy at a different site, preferably a Tribal college. We recognize that there is a substantial cost for the establishment of another Indian Police Academy, and there will be a need for additional appropriations over a several year period to construct and equip such an Academy, as well as additional ongoing costs to provide the instruction needed at such an Academy. But we believe without such a facility, the recruitment of officers contemplated through a “bridge training” program will be greatly insufficient to meet the ongoing need of Indian Country for qualified law enforcement officers.

We appreciate the emphasis the Senate Committee on Indian Affairs has placed on issues of law enforcement in Indian Country; the support of this Committee for this particular effort surrounding increased police training and recruitment is vital. Thank you for the time to testify before you today and we look forward to working with the Committee in the future on the critical efforts of training and recruiting law enforcement officers to serve Indian Country.