



SPIRIT LAKE TRIBE

OFFICE OF THE TRIBAL CHAIRMAN

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PUBLIC SAFETY TESTIMONY

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Good afternoon Mr. Chairman and members of the Committee. I am please to be here and to be given the opportunity to continue our dialogue on tribal justice issues. I have been asked to provide testimony on the public safety issues on the Spirit Lake Reservation.

In 2007 the Spirit Lake Tribe completed a community wide assessment and strategic plan to identify and prioritize issues facing our communities and to strategize about the best practices to enable us to address those issues. During that effort the tribal courts, law enforcement services and emergency management were all identified as priority areas for development and enhancement.

The Tribe has continued a dialogue with the Bureau of Indian Affairs for decades, the blatant deficiencies with respect to law enforcement and tribal justice as a whole remain unresolved, and in many respects the issues have compounded over the years. Tribal Justice issues, like so many other issues in communities across this country require a comprehensive approach to resolution and not a temporary fix. To truly have a comprehensive approach Tribes need adequate funding, services and support in relation to Tribal Courts, law enforcement, detention, addiction counseling, mental health services and other related support services.

The tribal justice issue that face our community:

- (1) Adult detention facility: the detention facility at Spirit Lake has, for many years, operated in a manner that is comparable to a third world country. Outdated technology, inadequate facilities and overcrowding have resulted in public outcry. The conditions in many tribal jails would not be tolerated elsewhere but it is all that tribes have to assist in maintaining some sense of law and order. The BIA is responsible for the maintenance of the existing facility but has opted to allow the building to fall into such a state of disrepair that currently the BIA has plans for the facility to be closed and to enter into a contract with an existing state facility. From the Tribe's position housing our prisoners off the reservation creates a huge problem with respect to our sovereignty. When prisoners are housed in off reservation facilities it interferes with our court process and creates a

problem with subjecting people to the laws of outside jurisdictions for any problems that might arise while incarcerated. It is unclear how prisoners will be transported in a timely fashion to and from the court and the detention facility in the state when the transport would require a minimum of 30 miles roundtrip and the local law enforcement transport van is an 8-passenger vehicle. Equally troubling is the fact that this is a situation that has essentially been created by the BIA and it has come to fruition just as the Tribe has secured funding to provide necessary improvements, the BIA has planned to close the facility.


- (2) Juvenile detention facility: In recent years one of the biggest problems for our Juvenile Court has been the lack of juvenile detention. The Tribe has been forced to either go ~~without detention or utilize state facilities that are generally ineffective in meeting the~~ needs of troubled youth. Additionally there is a significant lack of service-based programs that can serve as an alternative to detention as well. The Tribe has essentially had our sovereignty eroded by an agency that is to be carrying out a trust responsibility, which flies in the face of basic principles of law.
- (3) Officer shortages: Officer shortages have plagued the tribal justice system at Spirit Lake for many years, resulting in slow response times, inadequate investigations and reports, and a number of related problems. It has gotten to the point that many people are not even reporting criminal activity as they have no faith that anything will be done to help them. The Tribe has engaged the BIA in a dialogue about these issues for decades but the response has been slow and inadequate at best. Generally the response from the BIA has been to detail officers from other reservations to reduce the outcry, however this not only creates shortfalls on other reservations, but it is a very short-term response to a long-term problem.
- (4) Lack of Training: it is imperative that the officers who are providing law enforcement services on the Spirit Lake Reservation be adequately trained both for their safety and for the safety of the community. It is alarming that BIA officers are expected to respond to often-volatile crimes such as domestic violence, with little to no back up. This creates a dangerous situation not only for the officers but also for the victims on the scene.
- (5) Tribal Courts: I cannot discuss safety issues in our community without highlighting the lack of support and financial resources for our tribal court. To say that our Court

functions on a skeleton crew is an understatement. I am not aware of any federal, state or municipal court that could function with the personnel, training and technological deficiencies that exist within our tribal court. For instance we have a prosecutor but no funding for a public defender. While the Indian Civil Rights Act does not mandate a public defender, our sovereignty is constantly under threat in the federal court system because we do not provide publicly funded defense counsel, not to mention that federal laws such as the Adam Walsh Act only provide for recognition of tribal court convictions where a public defender was available. These are the types of corners that we as Tribes are backed into within the current legal scheme and with current funding and service deficiencies.

In closing I have reviewed the Field Hearing Report from August 4, 2008 regarding the Dakota Peacemaker Operation that was implemented on the Standing Rock Reservation and I am encouraged by the fact that it provides a model and example of how peace can come to tribal communities with the proper support. My only concern rests with the means used by the BIA to carry out the project in that the officers detailed to Standing Rock were from surrounding tribal communities. The result is that communities such as Spirit Lake are left with the same sense of despair and fear that the people of Standing Rock have also reported. Constituents have even reported to me that they are considering purchasing firearms to provide some peace of mind.

In my opinion the approach that the BIA has taken in addressing justice issues in tribal communities has demonstrated that the agency is completely out of touch with Indian country and that there are far too many people climbing the ranks, collecting large salaries and leaving field offices ill equipped to meet the needs of the communities they are supposed to be serving. I appreciate the Committee's efforts to tackle the justice issues that are plaguing many tribal communities, and I would strongly encourage the Committee and the United States Congress to also take a hard look at the upper level administration within the Bureau of Indian Affairs. History demonstrates that a community will be as strong as its leaders and I believe the same is true for an agency such as the BIA.

Submitted this _____ day of _____, 20_____.


Myra Pearson, Chairperson
Spirit Lake Tribe