

**REMARKS OF THE THREE AFFILAITED TRIBES
TRIBAL BUSINESS COUNCIL
REPRESENTATIVE MERVIN PACKINEAU**

**My name is Mervin Packineau and I serve as the elected
Northeast segment representative and Treasurer of the
Three Affiliated Tribes – Tribal Business Council. I also
serve as the Judicial Committee Chairman under whose
responsibilities law enforcement falls. I would like to thank
Senator Dorgan and his staff for allowing me the opportunity
and honor to be with you today and present some brief
comments on law enforcement in Indian Country and the
issues we face on the Fort Berthold Reservation.**

**The Three Affiliated Tribes has recently undertaken a
momentous task, one that many tribes around the country
have also undertaken in our collective pursuit of self
sufficiency and self reliance. The contracting of law
enforcement on the Fort Berthold Reservation has not been**

without difficulty or reward. We have faced our share of growing pains and continue to face a very steep learning curve in ensuring the people and lands of the Mandan Hidatsa and Arikara are protected to the fullest extent possible.

One of the major obstacles we in Indian Country face is a severe lack of funding for law enforcement. Prior to undertaking the 638 law enforcement contract, we supplemented the BIA law enforcement in equipment, staff and actual funds in order to provide 24 hour policing to our six segments and almost 1500 square miles that make up the Fort Berthold Reservation. Yet in undertaking this contract, we face severe funding shortfalls to not only adequate staff our police force but to train, equip and house our officers and their families.

Technical Assistance is another obstacle that severely hinders Tribes that choose to 638 contract law enforcement from the Bureau of Indian Affairs. In order to undertake the duties and responsibilities of law enforcement, we have to create, operate and maintain a program that is almost a mirror image of a BIA law enforcement department. What appears to be lost upon our federal trustee is while the Tribes themselves have the primary responsibility to ensure their programs are in compliance, there is an equal duty on the BIA and our federal contracting officers to assist the Tribes in operating our programs in compliance with our individual 638 Contracts. The BIA's role is not restricted to mere oversight, but the BIA's duty to provide compliance and technical assistance should supersede its oversight responsibilities as the BIA has just as much responsibility in ensuring Tribes succeed in establishing its own tribal law

enforcement as the BIA would in providing those same services on our Reservations.

A lack of housing on Fort Berthold continues to be an issue in attracting qualified individuals to serve as law enforcement officers in our police force. The 638 law enforcement contract lacks basic resources or funds for sufficient housing. This makes it extremely difficult for Tribes to not only recruit law enforcement officers but to keep those officers and their families in our communities.

One specific issue that we have faced on Fort Berthold concerns background checks on candidates for law enforcement positions in our police force. While we recognize the regulatory requirements for adequate background checks, it is our position that the BIA's "insistence" that we use the same vendors that complete the background checks for their officers creates a huge and

unnecessary delay for the Tribal police departments. Not only does that severely limit the effectiveness of our officers who cannot adequately enforce all laws, federal and tribal on our reservations, but puts those Tribes under tremendous potential liability. Tribal officers who have not had their backgrounds completed and therefore have not received their federal commissions are not covered under the Federal Torts Claim Act but under our own tribal liability insurance. This affects not only the Tribe and its officers but also the public at large should an unfortunate accident occur and sufficient insurance protection is not available.

The issues I have raised represent only a small fraction of what we and other Tribes face when we contract the federal responsibility to provide law enforcement on our reservations. Whether it's providing more federal funds and resources to the tribes.....to providing technical assistance

for joint / cross deputization agreements with local and state governments to ensure that everyone is protected on our lands, whether Indian or non-Indian....law enforcement within Indian Country simply needs more. Above all, it is imperative that whatever assistance is provided to our law enforcement programs, it must be undertaken to promote our self sufficiency and self reliance and not hinder it. Everyone in this room, our distinguished Senator and his staff, the Tribal Leaders and tribal staff members... and the federal officials present....everyone here has the responsibility that Indian Country not be isolated from the most basic of rights...the right to live in a safe and protected community.

I thank you for your time and attention.