

Statement of Gary L. Edwards
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National Native Law Enforcement Association

Before the

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Hearing on the President's FY 2004 Budget for Indian Programs

Mr. Chairman, Mr. Vice-Chairman and members of the Committee, my name is Gary L. Edwards. I am the Chief Executive Officer of the National Native American Law Enforcement Association (NNALEA). I also serve as the Vice-Chairman, of the Native American National Advisory Committee for Boys and Girls Clubs of America and I am a National Advisory Committee member for the Helen Keller Worldwide, ChildSight program.

My testimony today will focus on three categories of Indian programs. The program categories are: Native American Youth programs; Native American Law Enforcement Training programs; and Indian Country Homeland Security Training programs.

Native American Youth Programs

To date, the Boys and Girls Clubs of America (BGCA) have opened 140 clubs in Indian Country. These 140 clubs provide a positive place for our Native American youth, serving over 60,000 Native American youth on tribal lands across the country.

In January of this year, the BGCA hosted the 2003 Summit for Clubs Serving Youth in Native America. The Summit, entitled "Expanding the Circle: Continuing the Legacy for Our Children," infused those in attendance with the hope of opening 200 clubs in Indian country by the year 2005, and imbedded within their hearts and minds the urgency to sustain existing clubs.

The senior leadership of the BGCA, such as Robbie Callaway, and their many partners are dedicated to sustaining each Boys and Girls Club in Indian Country. Partnerships, like the one described below, help to support and strengthen the Indian Country Boys and Girls Clubs and at the same time produce reciprocal benefits.

The National Native American Law Enforcement Association has developed partnerships with the

following organizations:

- Boys and Girls Clubs of America;
- United States Secret Service;
- Department of Justice **B** Office of Community Oriented Policing
- Bureau of Indian Affairs **B** Office of Law Enforcement Services; and
- Bureau of Alcohol, Tobacco, Firearms and Explosives.

These partners are collaborating in the development of a pilot program to address the growing problem of youth gangs on tribal lands. Six Indian Country Boys and Girls Clubs comprise the pilot group for the ATF-sponsored **A**Gang Resistance, Education, and Training[®] (GREAT) program. Preliminary reports on the pilot program indicate promising results. The GREAT program also brings Indian Country law enforcement officers into the clubs, to work hand in hand with the children. By bringing tribal law enforcement officers into the clubs and interacting with the club members, we have created an entirely different and accepting relationship between the officers and the community. Our Native youth see the officers in a positive light rather than the traditional adversarial role. They see the officers as part of the community and a solution to some of the daily obstacles they face, as well as a role model for what they can become. The GREAT program in Native American Clubs should continue, and be expanded to more Boys and Girls Clubs throughout Indian Country.

The Helen Keller Worldwide, ChildSight Program will be introduced to Indian Country youth this spring as a direct result of the assistance and support of many of the partners previously mentioned. Over the next three years, the ChildSight program will administer approximately 32,000 free eye exams and issue free designer eyeglasses to children in need. The ChildSight program has earmarked 60% of those eye examinations and eyeglasses for Indian Country youth. The ChildSight program is designed to be a sustainable vision health care program in the communities it serves. The first ChildSight program in Indian Country is scheduled for April of 2003, to be held at Luguna Pueblo, New Mexico. If additional funding becomes available, this program can be further expanded.

With the support of the Congress and the White House, additional partnerships and programs to serve America's youth can be developed that can produce significant dividends for our children and our communities.

Native American Law Enforcement Training Programs

The National Native American Law Enforcement Association has provided national training for Indian Country law enforcement professionals for the last ten years. In October of 2002, over 400 participants attended the NNALEA **A**Native American Law Enforcement Training Conference[®] and the NNALEA **A**Tribal Lands Homeland Security Summit[®] in Reno, Nevada. The Conference and Summit brought federal, state, local, and Tribal law enforcement personnel together with private sector business representatives, community leaders and national officials. The dynamics of the group produced quality training, collaboration on missions, projects, and objectives, and built partnerships that will last well beyond the events of the week. These training events produced a better understanding and cooperative spirit throughout Indian Country and the Nation.

Building upon this successful model, NNALEA is currently in the planning stages of developing a national **A**Academic Center for Excellence in Tribal Law Enforcement Training.[®] Realizing the need

for a comprehensive approach to education and training in Indian Country Law Enforcement, NNALEA is pursuing partnerships with a number of organizations and academic institutions, including East Central University of Oklahoma, Fort Lewis (CO) College, Western Oregon University, Excelsior College of New York, the Federal Law Enforcement Training Center (FLETC), COPS Office Regional Community Policing Institutes in Washington State, Oregon and Oklahoma, various Tribal Colleges and Universities, most Federal law enforcement agencies, various state law enforcement agencies, select Native American law enforcement training centers, Boys and Girls Clubs of America on Tribal Lands, and other educational and training groups.

NNALEA is exploring the development of a uniquely Native American approach to law enforcement training, called **A**Wearers of the Shirt®. The **A**Wearers of the Shirt® concept of Tribal law enforcement comes from the historical Native American tradition of keeping Tribal order through guidance from the leaders and elders of Tribal lands. This proposal will require a study of current Indian Country law enforcement training curriculums as well as Tribal law enforcement standards, practices and applicant selection. Elders and Tribal leaders will be brought together to serve on an advisory board that will traditionally shape the **A**Wearers of the Shirt® law enforcement training concept and program. Special emphases will be placed on determining the causes for the high rate of Native American law enforcement officers leaving current Indian Country law enforcement training programs, prior to graduation. The positives we learn from these studies coupled with the advice of our Tribal leaders and elders will be incorporated into the NNALEA **A**Wearers of the Shirt® Law Enforcement Training strategy, methodology and curriculum.

NNALEA training will be performed through national conferences, regional training sessions and e-learning techniques. Currently, NNALEA is piloting an e-learning program consisting of over 700 courses available through the FLETC Distributed Learning Program (DLP), now a part of the Department of Homeland Security. This pilot program is offered to all Indian Country law enforcement officers. NNALEA will approach the Boys and Girls Clubs of America and the Citizen Corp to explore offering this program to first responders, Native American youth and other members of Tribal communities.

The NNALEA Executive Board and our members are very excited about the opportunity to develop a distance learning program specifically for Native American Law Enforcement Officers and tribal communities. NNALEA is exploring ways to offer opportunities to obtain certifications, diplomas, university credits and degrees, specialized training and remedial courses through the FLETC - DLP program and its partners. The possibilities are as vast as one can dream. The potential of this e-learning program can be better understood by considering the following information provided by the FLETC/DLP staff:

- Implementation of the NNALEA/FLETC Distributed Learning Program in the Tribal Nations law enforcement and first responder training programs will provide a high level of consistency in the training provided to Federal, Tribal, state, local and rural community representatives. The cognitive skills training provided through the FLETC/DLP will provide a foundation for coordination and collaboration throughout these communities for more effective planning, response, and recovery for incidents, as well as day to day operations.
- The FLETC/DLP is much more than a secure, encrypted, e-learning site. It provides alternate communications, collaboration, and library functions such as research and

information. It also serves as a repository for standard operating procedures, checklists and briefing guides. As a collaborative engine, the FLETC/DLP provides an environment that allows geographically-dispersed individuals to work together either in “real time” or by coordinating via threaded discussions and documentation reviews. There is also a synchronous capability that allows live training sessions to occur over the Internet. These sessions are recorded and can be played back for personnel unavailable to participate in the live training.

- The FLETC/DLP provides competency models that can be modified for specific communities. This allows individuals to ensure they understand the skills that are required to meet their job requirements and links them to training that will provide specific training for those skills.
- Customized training is being added to the site at a rate in excess of 100 hours/yr. This training is based on the priorities determined by FLETC working with the entire subscriber community.
- The FLETC/DLP can be made available to the entire Tribal Nations community to help ensure a higher potential for success based on the curriculum support for personal and professional growth in virtually all fields of endeavor.
- Cost of the system is \$150 per subscriber per year and provides unlimited access to all capabilities and curriculum at the site. Each subscriber has his/her own transcript and can print out FLETC certificates of training completion.
- To equip 200 Boys and Girls Clubs with the necessary hardware and software to support a computer laboratory with broadband Internet access would cost approximately \$1.5 million for hardware, printers, maintenance and software. Internet access for broadband at current rates will cost approximately \$240,000 annually. For this modest amount, virtually the entire Tribal Nations community would have access to the FLETC/DLP and all of its capabilities and support structure.
- FLETC currently provides residential law enforcement training to the Tribal Nations in Artesia, New Mexico.

This opportunity takes Indian Country Law Enforcement through another threshold. A threshold of promise, enlightenment, and the hope of true parity in law enforcement training and education, equivalent to that of any other law enforcement training and education in America. This dream can only be realized through sincerity of purpose, hard work, faith, and adequate, sustainable funding. NNALEA is pursuing this dream for Indian Country law enforcement and the Nation.

Homeland Security

Mr. Chairman and Senator Inouye, I believe our nation, as well as Indian Country, must have a three-part approach to homeland security. We must *live* in the reality of today, define our *vision* of homeland security for tomorrow, and *act* to make that vision the reality of the future.

Live in the reality of today

Primary Vulnerabilities on Tribal Lands. The primary vulnerabilities on Tribal lands are: (1) Border and port security on Tribal lands; (2) Critical infrastructure on Tribal lands; (3) Non-Integrated Law Enforcement; and (4) Minimal emergency response, and medical capacity planning and implementation.

There are many important potential terrorist targets in Indian Country. These include dam, pipelines, transportation and energy infrastructures, manufacturing and processing industries, agricultural, government, cultural and informational targets. Damage to these resources will have impacts beyond the borders of Indian Country. For example, destruction of a dam could inundate cities, such as Phoenix, which maybe far removed from the site of destruction. Since terrorists attack “soft” targets, hardening targets outside Indian Country would increase the likelihood of attacks there.

The primary reason these vulnerabilities exist, is because Tribal communities cannot address the vulnerabilities due to lack of resources. The lack of resources is a direct result of inadequate funding. Inadequate funding has created a lack of law enforcement and first responder personnel, given rise to insufficient training of existing human capital, and greatly reduced technical assistance and resources. The byproducts of inadequate funding lead to inefficiency, complacency and personnel burnout. Inadequate funding is the major roadblock to the elimination of vulnerabilities on Tribal lands.

Further complicating the matter is crime on Indian Reservations and jurisdictional issues that frustrate Tribal courts and the justice system. The International Association of Chiefs of Police (IACP) has called for law enforcement reform in Indian Country in its 2001 summit report entitled, Improving Safety In Indian Country: Recommendations From the IACP 2001 Summit.

Crime on Indian Reservations. According to the Department of Justice, Native Americans are subject to more violent crime than any other U.S. minority group. They are victims of violence at a per capita rate of 124 incidents per 1,000 population. This rate of victimization is well above that of any other racial or ethnic group and 2.4 times the national average.ⁱ An Indian child between the ages of 12 and 17 is 1.5 times as likely to be a victim of violence as the average American child, and young adults ages 18-24 are 2.32 times as likely to be victims of violence as their non-Indian peers.

Dealing with crime and providing public safety services are 2,303 full time Indian police officers divided among the 171 Indian law enforcement agencies. This corresponds to 2.3 full-time officers per 1,000 population, which is 11% lower than the national average.ⁱⁱ However, this statistic underestimates the magnitude of the enforcement needs of Indian Country. I say this for two reasons:

First, the true population served by Indian police agencies is larger than the Indian population alone. Many agencies serve non-Indian residents and others using roads, stores, casinos, and other public places on tribal land. These services are not captured in statistics which are based solely on the number of Indian residents. The second is the rural nature of many reservations and the correspondingly large area Indian police must cover. The Department of Justice has estimated that 4,290 sworn officers were needed to provide basic public safety in Indian Country, yet at the time there were only 1,600 such officers. Today there are 2,303 full-time sworn officers, about 54% of the full-time sworn officers needed to provide basic public safety in Indian Country. Although the Community-Oriented Policing Services (COPS) Office of the Department of Justice has been a key

to this improvement, it is clear the need for basic policing services is still unmet.

Conferees at the NNALEA 2002 Tribal Lands Homeland Security Summit agreed that tribes possess minimum resources to address current law enforcement challenges and homeland security needs. Indian governments are in need of significant outside assistance if tribal lands are to have adequate law enforcement personnel and resources and the ability to adequately protect borders and critical infrastructure on Tribal lands. There was considerable concern among the Summit attendees that tribal targets that appear to be soft to terrorist groups may be at high risk. Summit participants also acknowledged that the homeland security funding needs in Indian Country likely will be higher than other communities because of economic conditions on reservation and trust lands. Traditionally, Tribal law enforcement and first responder manpower, equipment and training lag well behind most other American communities. Participants believe that tribes should receive base funding to achieve parity with non-Indian communities law enforcement and first responder capabilities, plus additional funding for specific high-priority protection, and for response and recovery projects. They felt that funding on a per capita basis will not match outlay to measurable security improvement. Further, that funding should be earmarked to bring every community in America to a national minimum standard of law enforcement and first responder manpower, equipment and training.

Define our *Vision* for homeland security for tomorrow

The President's Strategy for Homeland Security is a national and not just a federal strategy. For it to work, our entire society must stand together to overcome a new and very complex challenge. Homeland security is a shared responsibility. Therefore, Indian Country is a critical component to the national homeland defense. The President has identified three strategic objectives in his Homeland Security Strategy:

- I. Prevent terrorist attacks within the United States.
- II. Reduce America's vulnerability to terrorism.
- III. Minimize the damage and recover from attacks that do occur.ⁱⁱⁱ

To attain those three objectives, Americans were asked to concentrate on six critical mission areas:

1. Intelligence and Warning
2. Domestic Counterterrorism
3. Border and Transportation security
4. Protecting critical infrastructure
5. Defending against catastrophic terrorism
6. Emergency preparedness and response

Accomplishing these missions at an affordable cost will take time and require all levels of government -- federal, Tribal, state and local -- as well as private industry and individual Americans to work together as we have not had to do since World War II. This war against terrorism, at home, will also be very different from World War II. During the NNALEA Tribal Lands Homeland Security Summit, Mr. Thomas B. Heffelfinger, U.S. Attorney for the District of Minnesota and Chairman of the Attorney General's Advisory Committee's Subcommittee on Native American Issues, put it most succinctly saying that, "This will be America's first war fought as much by law enforcement and first responders, as by the military."

There are some concepts that should drive our vision of the future, such as:

- Homeland Security must be a locally-organized grass-roots developed effort that requires people providing the security to know what they are protecting, know what they are protecting it against, and know the local territory.
- Dual-use equipment and services (those that will improve the daily health and safety issues within Indian Country) should be funded as a priority over single-use items and services.
- Duplicative services should not be funded, but complementary services should be. Every proposal for funding should include the criteria that will be used to determine whether that program has met its objective or not. Programs that have failed or have been completed should no longer be funded. Future funding should be directed to other priority programs.
- Encourage adjacent jurisdictions to partner with their Indian Country neighbors to reduce costs and gain the advantage of mutually supporting assets.
- Encourage homeland security planners to think *“outside the box”* to prepare America for the next terrorist attack, not the last one.
- Teach chemical, biological, radiological operations and decontamination procedures at the local level. Be prepared to respond to denial of service attacks as well as chemical, biological and radiological weapons of mass destruction attacks.

Act to make that vision the reality of the future

During the 2002 NNALEA National Law Enforcement Training Conference and Tribal Lands Homeland Security Summit, more than 400 representatives of the United States Congress, the National Congress of American Indians, Indian tribal governments, federal agencies, state governments and private industry came together with one accord, to prepare this Nation and Tribal Lands to fight crime and to build a seamless defense in the war against terrorism in America. The conference focused on core law enforcement training for community policing, with special emphasis on partnership building. The Summit focused on bringing a wide variety of interested parties together to define the nature of the homeland security threat in Indian Country and to discuss the level of preparedness to meet that threat. In addition, NNALEA promoted cooperation among all interested parties to help develop an efficient and cost-effective approach for ensuring that tribal lands are fully integrated within the national system of homeland security being developed by the new Department of Homeland Security. The Summit, meeting all its goals, provided a clear picture of the challenges facing Indian Country.

The fifty million acres of land in Indian Country are replete with military, energy, water and other facilities that significantly affect the American economy and Americans living outside the reservations. Potential targets that lie within Indian Country include dams, oil fields, oil and gas pipelines, coal slurry lines, communication towers, casinos, other tourist attractions, power generation stations and transmissions, railroads, ports and international borders.^{iv} These critical infrastructures on Tribal

lands, if compromised by terrorists, will produce a devastating impact that will reach far beyond the reservations and trust lands, tearing into the heart of America. We act to prevent this from happening.

In order to provide the kind of seamless homeland security that the President and Congress envision and that the American public deserves, several federal laws, regulations and procedures dealing with Indian Country jurisdictional issues must be clarified. On July 11, 2002, Mr. Thomas Heffelfinger urged jurisdiction reform and simplification, on behalf of the U.S. Attorneys in testimony before this Committee. NNALEA agrees with and supports the United States Attorney's position, as presented. Further, Indian Country law enforcement officers and departments must receive additional specific funding for pay issues, equipment, training, and technical assistance to ensure parity with other law enforcement officers and departments throughout the United States.

The partnering of federal, state and locally adjacent jurisdictions, with Tribal governments and Tribal law enforcement in written memoranda of agreements, will be critical to the success of homeland security efforts. The Nation cannot afford to harden all potential targets or build unnecessarily redundant response capabilities. Cooperation is essential.

Other Conclusions and Recommendations

NNALEA makes the following conclusions and recommendations based upon its research and the information obtained from the participants at the 2002 NNALEA Tribal Lands Homeland Security Summit. The ability of Tribal governments to prepare Tribal lands to fit seamlessly into the fabric of the *National Homeland Security Strategy* may greatly depend upon the following recommendations:

For the Department of Homeland Security

- Establish a Coordination Unit within the Department to provide a single point of contact for the Indian Nations. We envision this unit being the conduit for providing the Indian's share of homeland security funding directly to the Nations involved, thereby recognizing Indian rights of sovereignty and self-determination.
- Develop a comprehensive list of targets within the Indian Nations as well as the rest of the country.
- Apportion homeland security funds based on the cost of reducing specific priority vulnerabilities, not on population or other non-related criteria.
- Develop a homeland security emergency communications system and frequency that all levels of government - federal, tribal, state, and local - have access to and which provides two-way communication of terrorist alerts, notification of natural and manmade disasters, and relevant operational intelligence.
- Encourage state and local jurisdictions to enter into mutual support agreements with Indian nations, to share complimentary resources in times of crises.
- Encourage state and local government to establish cross deputation agreements that

provide certified Indian police officers equivalent status as all other police departments.

For the Department of Justice

- Develop legislative language that clarifies the right of Indian Nations to arrest, detain, and prosecute non-Native Americans committing crimes on reservations and trust areas.
- Suggest uniform national standards for law enforcement officer training and certification.
- Actively encourage states to enter in cross deputation agreements to facilitate the mutual sharing and support of peace officers, particularly in times of crises.

Mr. Chairman, you said it best, "Native people are Americans -- and want to stand shoulder-to-shoulder with the rest of their countrymen in defending America lives and homelands from the threats now before us." NNALEA will take its place to provide training, technical assistance, and innovative ways for Native American law enforcement to *lead by service* to our communities and the United States of America.

A NNALEA publication will be forthcoming that will summarize the 2002 NNALEA Tribal Lands Homeland Security Summit. Thank you for opportunity to address this Committee. That concludes my prepared testimony, and I will be pleased to answer any questions that the Committee may have.

End Notes

ⁱ. Lawrence A. Greenfeld and Steven K. Smith, American Indians and Crime, Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Report NCJ 173386, February 1999.

ⁱⁱ. Matthew J. Hickman, Tribal Law Enforcement, 2000, Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, Report NCJ 197936, January 2003, and NNALEA analytical calculations from these data.

ⁱⁱⁱ. Office of Homeland Security, National Strategy for Homeland Security, Executive Office of the President, Washington, DC, July 2002.

^{iv}.. These data were provided by NNALEA member Dr. Martin Topper from a publicly available Environmental Protection Agency data base.