

Statement of Gary L. Edwards
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Before the

United States Senate Committee on Indian Affairs

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Hearing on the President's FY 2005 Budget Request 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. It is a pleasure to appear before you today on behalf of NNALEA regarding the FY 2005 Budget Request for Indian Programs.

With regard to FY 2005, NNALEA believes that it is necessary for funding for Indian programs critical to Tribal sovereignty, stability, infrastructure, and quality of life to at least be maintained at current funding levels, while additional funding may be necessary for Indian programs essential to national strategies and objectives, such as the National Homeland Security Defense Strategy and the Federal Enterprise Architecture.

NNALEA also believes that two specific categories of Indian programs warrant special discussion today. These categories are: (1) Tribal law enforcement, public safety and homeland security; and (2) Tribal youth. I will briefly highlight some of the risks and potential solutions for each category.

1. Tribal Law Enforcement, Public Safety and Homeland Security.

RISKS

Drugs. Tribal cultures are being devastated by illegal drugs and alcohol abuse. 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. Law enforcement officials note a direct relationship between methamphetamine distribution and violent crime, particularly domestic violence, aggravated assault and

child abuse. The immeasurable effect of substance and alcohol abuse has affected Indian communities in terms of physical, mental, cultural, social and economic conditions.

Currently, the BIA has 11 drug enforcement agents for all of Indian country. Many tribal law enforcement programs have no law enforcement officers assigned to combat illegal drugs. It is very difficult, if not impossible, for 11 drug agents to fully address this critical investigative responsibility. BIA intelligence indicates intentional targeting of Indian reservations due to reduced law enforcement presence in Indian country as compared to other parts of the United States. Smuggling routes throughout Indian country move drugs, weapons, and illegal aliens without detection. The lack of adequate law enforcement coverage subjects Indian Country to the vulnerability of illegal activity.

In addition to the smuggling, it is possible that terrorist will or already may be taking advantage of these venues. This threat affects both Indian and non-Indian communities.

Violent Crime. 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.

Public and Officer Safety. In FY 2003, the DOJ Office of Community Oriented Policing (COPS) office reported that there are approximately 1,630 COPS officers throughout Indian country. Funding for COPS officers is for three years. It is estimated that in FY 2004, funds for approximately 383 officers will expire, and in FY 2005 approximately 253 more officer positions will expire. In order to retain these trained and experienced police officers, tribes will need a means to fund these law enforcement positions. The long-term benefits of the COPS program for tribes are dependent on permanent funding to sustain these positions. COPS grants are not just infrastructure, but also manpower.

There is an increased demand for additional personnel or basic law enforcement equipment such as body armor, vehicles, and radios for Tribal law enforcement. Due to the extremely limited staffing available to provide 24-hour law enforcement coverage, many law enforcement officers are covering areas with one officer per shift. For

instance, the Eastern Nevada, Uintah and Ouray (in Utah) and the Hopi (in Arizona) Agencies are spread over hundreds of miles. Routinely, there is only one officer on duty. It is not uncommon for an officer to wait more than three hours for backup to travel 90 miles or more on a two lane highway through rugged mountainous terrain to provide assistance. Officer back-up is not only contingent on the availability of another officer, but also on the ability and capability to transmit the call for assistance via radio or telephone. Further, due to the shortage of law enforcement officers, many officers are routinely forced to work excessive hours to maintain response to the calls received. In recent years, the BIA has experienced two "line of duty" deaths due to officer fatigue.

Tribal Homeland Security Vulnerabilities. There are certain vulnerabilities on tribal lands that affect the security of not only Tribal lands but also the United States of America as a whole. Some of the primary vulnerabilities on Tribal lands today pertain to border and port security on Tribal lands, critical infrastructure located on Tribal lands {i.e., dams, water impoundments and reservoirs, electrical generation plants, waste systems}, the existence of non-integrated law enforcement and lack of jurisdictional clarity; and the minimal emergency response and medical capacity, planning and implementation.

For instance, International borders that are located in Indian country require a border management strategy similar to existing border management strategies protecting the United States from threats of terrorist attacks. The implementation of an aggressive border strategy, one that integrates Tribal, Federal, state and local law enforcement, public safety and emergency management programs will necessitate additional funding to allow for additional personnel and state-of-the-art technology (i.e., integrated communications systems, surveillance, sensor and other technical equipment to detect unauthorized entry). The war on terrorism has dramatically increased the crisis along both the Southwest and Northern Tribal border areas which have suffered historically from smuggling of narcotics, illegal immigrant smuggling, and other trafficking in various items of contraband. Leaders from Federal, Tribal, state, and local governments are highly concerned that the lack of proper law enforcement along Tribal borders create weak points in our Nation's defense against terrorism. Sam Smith, of the New York Post, called Indian reservations the "weakest link in the northern border". Whether this moniker is true or not, the perception exists and these areas lack resources adequate to curtail illegal trafficking and possible terrorists' activity on Tribal lands near international borders.

There are approximately 37 Indian Reservations located on or near the United States international borders with Mexico and Canada. These Tribal international border areas span hundreds of miles, millions of acres, and present unique challenges to law enforcement. Located in rural and urban areas, these reservations are in close proximity to major routes and highways. In many cases, they are located on or near international waterways. All of these areas are vulnerable to unchecked and surreptitious entry into the United States. The BIA and tribal law enforcement programs provide the majority of law enforcement services in these areas. Many of the tribal members of these reservations possess dual citizenship with the neighboring country. Due to the shortage of law

enforcement in these areas there is a long history of criminal smuggling activities across international borders that are associated with many Indian reservations.

The significant increase in border crossings by illegal aliens has put stress on the Tohono O'odham Nation, Sells, Arizona Indian Health Service hospital. BICE, CBP, and others frequently bring ill aliens to the emergency room for care and do not take any responsibility for payment for services. This reduces the availability of services to tribal members and costs no less than \$200,000 per year in unfunded care.

A solution to the health care of illegal aliens needs a substantive solution for while the tribe is suffering the costs of this flood, it also extends to most, if not all community hospitals along the border. As we are aware, these small rural hospitals are the facilities least able to financially absorb such cost.

Indian Country needs a Tribal border initiative managed by Federal and Tribal law enforcement, integrated with state and local law enforcement, and operated in a coordinated and effective manner. The work of many law enforcement and security task forces affect Tribal lands and communities, therefore, it is imperative that local tribal officials fully participate in the development and planning of security strategies. Local Indian communities who are most knowledgeable about their security needs and vulnerabilities should be consulted and play a critical role in formulating policies that protect Tribal lands, communities and the Nation. Full Tribal support for Homeland Security measures may not be possible without addressing each tribe's law enforcement, public safety and emergency response needs and by providing additional sufficient, specific, Federal funding to empower Tribes to fit seamlessly into a fabric of the National Homeland Defense Strategy and meet the requirements of the National Federal Enterprise Architecture.

Tribal Border Security is just one aspect of the Homeland Security vulnerabilities on Tribal lands. As the National Homeland Defense Strategy is rolled out nationwide, Tribal Border Security is clearly a priority on everyone's short list.

POTENTIAL SOLUTION SNAPSHOTS

Drugs. NNALEA supports **increasing the number of drug enforcement officers in Indian country**, which may help reduce illegal drug trafficking, distribution, manufacturing, and cultivation in Tribal lands. NNALEA with the help of its law enforcement and academic partners is developing a tract of **training on "Drugs in Indian Country"** for its 2004 National Training Conference. At this Conference, NNALEA also anticipates having a track of training on **"Gangs and Violent Crime in Indian Country"**.

For the safety of Indian communities and law enforcement personnel, and our Country as a whole, NNALEA **supports the efforts of BIA and tribal law enforcement in their quest for adequate funding for certain Indian programs.**

Public and Officer Safety. The **Office of Community Oriented Policing Services (COPS)** created a series of programs to meet the needs of law enforcement in Native American Communities for infrastructure building to manpower, training, and equipment. COPS Native American programs address quality-of-life issues as well as a comprehensive list of law enforcement expenses. COPS has awarded more than \$235 million to Indian Country law enforcement and community programs since 1999, to assist Tribal communities suffering from high rates of crime and violence with limited tribal resources to fight it. Cops Indian Country funding has made it possible to hire more than 1800 new community policing officers since 1999. In FY 03, COPS awarded an additional \$35 million to bolster community policing and homeland security within Native American Communities. A program like the **COPS program is essential** for Tribal communities, law enforcement, public safety, and Tribal Homeland Security. Public safety funding to Native American communities needs to be maintained.

The **full integration of law enforcement and judicial clarity in Indian Country** needs to be achieved for the progress of Indian Nations and for quality of life issues in Indian communities. This will also benefit the Nation as a whole and strengthen Homeland Security.

Tribal law enforcement and public safety professionals need to be at parity with their non-Tribal counterparts in areas of pay, benefits, equipment, training and technical assistance. In turn, Indian Country law enforcement needs to improve its quality of law enforcement to a level of parity with that of non-Indian Country law enforcement. However, **parity in funding for Tribal and non-Tribal law enforcement and public safety programs** is necessary. Tribal law enforcement agencies and departments should strive for **national accreditation** and sworn law enforcement officers should strive for a nationally recognized **officer certification**. Federal funding is critical to the success of these quality goals. Another critical area to achieve parity is education, training and technical assistance. NNALEA will help Indian Country achieve its goals for parity in Tribal Law Enforcement, Public Safety and Emergency Management programs with its partners in the **Academic Center for Excellence in Native American Education Training and Technical Assistance (ACE)**. **The ACE core partners are NNALEA, Fort Lewis College of Colorado, East Central University of Oklahoma, the Federal Law Enforcement Training Center – Distance Learning Program and the Boys and Girls Clubs of America.** **Newly joining the ACE core team is the Federal Bureau of Investigation (FBI) “Virtual Training Academy”** which will greatly expand the ACE training capabilities. Expanded partnerships are being made with Tribal, Federal, state, local and private departments, agencies, organizations and companies. The ACE hopes to include as partners all Tribal Colleges and Universities as funding and structure develop. The ACE currently provides Homeland Security training and technical assistance to law enforcement officers, first responders and Tribal homeland security planners.

Currently, ACE partners are seeking to develop an interoperable satellite communications system for Tribe and rural law enforcement, public safety, and emergency responders. Testing has already been successfully done on the Navajo Reservation.

Tribal correctional programs and correctional facilities are in great need of funding support for quality, culturally sensitive, corrections programs and funding sufficient to build new facilities, modernize current structures and maintain adequate professional staff support. Corrections program management and tribal community opportunities for jobs need to be scrutinized. Culturally sensitive programs should be developed. Immediate implementation of substance abuse treatment and related behavioral interventions as well as the development of innovative interventions for special needs offenders should begin as soon as possible. Vocational development and job training focused toward the community to which the offender will be released is critical. **Tribal correctional facilities need to meet the ACA standards**, like other federally approved correctional facilities off reservations. Adequate funding is necessary for Tribal governments to achieve this goal.

Tribal Homeland Security Vulnerabilities. Tribal Homeland Security planning, participation and preparedness is critical to our National defense. Since 2002, NNALEA has published the “**Tribal Lands Homeland Security Report**”, conducted national trainings entitled “**Tribal Lands Homeland Security Summit**” and “**Tribal Lands Homeland Security Forum**”. NNALEA will provide **additional Tribal Homeland Security training to a national audience at its 2004 National Training Conference.**

NNALEA has developed and presented a “**Seven Phase Approach to Tribal Lands Homeland Security**” that encompasses Native American Homeland Security in the Continental United States, Alaska and Hawaii.

The National Congress of American Indians (NCAI) is partnering with NNALEA and the Department of Homeland Security (DHS) to conduct a **Tribal Border Homeland Security pilot project**. Many of the issues listed above regarding Tribal border security will be addressed. This will be a collaborative effort with Tribal, Federal, state, local, and private industry stakeholders taking part throughout the project. NNALEA partners from the FBI Indian Country Unit, the ATF, the BIA, the Border Patrol, and the Secret Service will provide advice and technical assistance from the beginning of the project.

At the invitation on DHS, a representative from Indian Country is sitting at the table with other national, state and local representatives to have a voice in the development and writing of the **National Incident Management System (NIMS)** and the re-writing of the **National Response Plan (NRP)**.

2. Tribal Youth

RISKS

Health. American Indian and Alaska Native (AI/AN) youth suffer rates of morbidity and mortality that is significantly higher than the rates for all races in the United States in nearly all age groups. Mortality from alcoholism is over 10 times the rate for all races in

United States, and between 1990 and 2001 there has been a 106% increase in diabetes for the AI/AN age group 15 to 19.

Violent Crime. Native American teenagers are 49 % more likely to be victims of violent crime than non-Native American teenagers. These alarming statistics were shared with the participants attending the “Gangs and Violent Crime” training track at the NNALEA National Training Conference, November, 2003.

Gangs. During NNALEA's “Gangs and Violent Crime” training track it was reported that there are approximately 375 Native American based gangs with approximately 6,000 members and associates. It was reported that some of the ways Native American juveniles learn to become gang members is at adolescence treatment centers, correctional facilities where there is lots of gang activity, the media, peers with urban connections, and family members who are gang involved. It was further reported that many of the catalysts for Native American gang involvement include reservation boredom, cultural identity issues, lack of parental support systems, lack of community resources, and education de-emphasis. It was stated that the closer a youth is to the Tribal culture, the less attractive the gang subculture. Thus, there needs to be a strong cultural connection for Tribal youth in the community.

Juvenile Delinquency. According to the 1999 Census of Juveniles in Residential Placement (CJRP), approximately 2,000 American Indian and Alaska Native youth, who were charged with or adjudicated for criminal or status offense, were being held in juvenile residential facilities across the country. Preliminary estimates for the 2001 CJRP census suggests an increase of approximately 8 percent in the number of Native youth in residential placement on the census date two years later.

POTENTIAL SOLUTION SNAPSHOTS

During the last several years, NNALEA working through partnerships with Tribal communities to address attacks on the security and wellness of Native American youth has worked closely with two youth programs that have been particularly effective in addressing Native youth life dilemmas in Indian Country. They are the Boys and Girls Clubs of America (BGCA) and the Bureau of Alcohol, Tobacco, and Firearms’ (ATF) “Gang Resistance, Education, and Training” (G. R. E.A. T.) program.

The Boys & Girls Clubs of America’s successful movement to create Boys & Girls Clubs in Indian Country has grown from a single Club in Pine Ridge, North Dakota in 1992, to 26 Clubs in 1996, to 171 Clubs in 2004 – with a number of additional Clubs on the drawing board. Today they are serving nearly 70,000 Native American youth in 22 states, representing 77 different American Indian, Alaska Native and Hawaiian communities. This growth is founded on hard work and commitment to tribal youth, the development of community partnerships, quality programming, and financial resources – both local and federal funds. Since 1997, BGCA has contributed over \$30 million in federal funds for Native Clubs and has produced program materials and customized

trainings specifically focused on Indian Country needs. No other national youth service organization has initiated and maintained such a well-organized national commitment to Native youth. Recognizing the economic situations on most Indian Reservations, BGCA established the Native American Sustainability Fund – specifically designed to acquire funds to sustain existing quality Clubs and to continue to open new Clubs. It is strongly recommended that funds be designated to BGCA’s Sustainability Fund for Indian Clubs to ensure the continuation and growth of this strong network of local tribal Clubs that are changing the course of history for Native American youth and their families.

In 2002 and 2003, NNALEA partnering with the BGCA, the G.R.E.A.T. program and the Department of Justice (DOJ), Office of Community Oriented Policing Services (COPS) program, introduced the “Reaching Native American Youth” G.R.E.A.T. program pilot to 7 Boys and Girls Clubs of America on Tribal reservations. **The NNALEA “Reaching Native American Youth” G.R.E.A.T. program** was a true success for Native youth and their Tribal communities. Tribal youth established new relationships with law enforcement officers, community leaders, parents, and Club staff and they acquired new skills in resisting gangs. Positive interaction with police officers and the knowledge gained from curriculum content and activities helped youth to understand how to avoid potential conflicts, resist peer pressure, and recognize the relationship between behaviors and consequences, and set positive goals for a bright future ahead. It is important for all youth, but especially those facing personal and social challenges within their families and communities, to be supported by others and be involved in positive experiences. NNALEA is working to take this worthwhile program throughout Indian Country. The “Reaching Native American Youth” program needs to be funded to continue at the pilot sites and expanded to new sites across Indian Country.

NNALEA recognizes the special attention the **Indian Health Service** is paying to the needs of AI/AN youth by partnering with the National Congress of American Indians (NCAI) and the Boys & Girls Clubs of America (BGCA) to assist the BGCA goal of increasing the number of BGCA clubs in Indian Country. This partnership focuses on **healthy lifestyles** and helping keep AI/AN youth in school. IHS also continues to support the United National Indian Tribal Youth (UNITY) organization that focuses on helping develop leadership qualities in AI/AN youth and young adults and the American Indian section of the Society for the Advancement of Chicanos and Native Americans into Science (SACNAS) that provides more opportunities for AI/AN youth to enter college and post graduate science related vocations.

NNALEA also recognizes the **Helen Keller ChildSight program** which conducted a pilot program last year in Indian Country. In total, 974 Native American children ages 10 to 15 years old, participated in voluntary vision screening conducted by qualified vision professionals at seven Indian Country facilities. Of the 974 Tribal youth screened, 367 were found to have refractive error and needed prescription eyeglasses. Of that number, 155 already had suitable eyeglasses and ChildSight provided for 212 Native children who needed but did not have them. Among the Tribal youth, the refractive error rate was an astonishing **37.7 %**. According to the Helen Keller ChildSight program professionals, the usual refractive error rate for the tested age group is **11% to 20%**. In addition, nearly

5% of the 974 Tribal youth's vision screened had indications of eye pathology and were referred to the ophthalmologist for vision assessment and any needed treatment. Usually, the ChildSight program finds that only **1% to 2%** of children screened need referral due to indications of eye pathology. As such, the Helen Keller ChildSight program needs funding to continue their vision screening program in Indian country.

Conclusion

In closing, funding is very important to the success of the programs I have mentioned. It is NNALEA's belief that it is necessary for funding for Indian programs critical to Tribal sovereignty, stability, infrastructure, and quality of life to at least be maintained at current funding levels, while additional funding may be necessary for Indian programs essential to national strategies and objectives.

Thank you and I am happy to answer any questions that you may have.