

**PROGRESS AND FUTURE OF OPERATION DAKOTA  
PEACEKEEPER**

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**FIELD HEARING**

BEFORE THE

**COMMITTEE ON INDIAN AFFAIRS**

**UNITED STATES SENATE**

**ONE HUNDRED TENTH CONGRESS**

SECOND SESSION

—————  
AUGUST 4, 2008  
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## **PROGRESS AND FUTURE OF OPERATION DAKOTA PEACEKEEPER**

**MONDAY, AUGUST 4, 2008**

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Fort Yates, ND.*

The Committee met, pursuant to notice, at 9:30 p.m. at Sitting Bull College, Fort Yates, North Dakota, Hon. Byron L. Dorgan, Chairman of the Committee, presiding.

### **OPENING STATEMENT OF HON. BYRON L. DORGAN, U.S. SENATOR FROM NORTH DAKOTA**

The CHAIRMAN. Welcome to the hearing this morning. I am Senator Byron Dorgan. We may be joined by Senator Thune. He was scheduled to be here, but obviously there may have been some weather intervention. My hope is that he will be joining us.

This is a hearing of the Indian Affairs Committee of the United States Senate. I am joined by Rhonda Harjo, one of the counsels on our Committee. Rhonda is right back here. And Pam Dunnison, who is on my staff.

We are here today to talk about law enforcement on the Standing Rock Indian Reservation. But the issue of law enforcement is a broad issue that deals with the question of law enforcement on Indian reservations all across this Country. Specifically today, we are here to examine the progress and the future of what is called Operation Dakota Peacekeeper on the Standing Rock Indian Reservation. The need for this operation is really unfortunate in many ways.

But I think it is a required operation that the BIA undertook because frankly, the United States has not been meeting its obligation to provide public safety in Indian Country. We have a treaty and a legal and statutory obligation to provide for public safety in Indian Country. Article 1 of the 1868 Treaty of Fort Laramie with the Sioux Indians provides that the United States shall arrest and punish those who commit crimes on Indian lands.

Sadly, we have not met our obligation. There are severe threats to public safety that exist in much of Indian Country. And as we will hear today in this community, the Standing Rock Indian Reservation has had to deal with the fear of crime and with violent acts for far too long. The Standing Rock Reservation has suffered violent crime rates more than five and one half times the national average. In 2007, we received at the Indian Affairs Committee a report from Amnesty International that highlighted the epidemic of

domestic and sexual violence in Indian Country in general, and on this reservation in particular.

A former BIA police officer on this reservation who was one of the few officers assigned here at the time stated that he was overwhelmed by the number of calls for assistance relating to rape, sexual assault, child abuse and more.

Senator Thune, Welcome. We are joined by our neighbor to the south.

When it came to the Federal rape prosecutions, for example, this former law enforcement officer was quoted as saying, "we all knew they," meaning prosecutors, "only take the ones with a confession. We were forced to triage our cases." Triageing rape cases, of course, is outrageous. In April of this year, a young man who was preparing to graduate from Sitting Bull College was senselessly murdered. I understand that is under investigation. I have visited with the U.S. Attorney's office, asking for information about investigations and declinations and have gotten a lot of information. I have called on the former assistant secretary to provide additional resources to address this rash of violence.

In December of 2007, the Congress did appropriate \$23.7 billion for the Interior Department's Safe Indian Communities initiative. In May, I and Senator Thune, Senator Conrad and Senator Johnson, and the rest of the North and South Dakota delegation, urged the BIA to spend a portion of those funds to address violence at Standing Rock. Soon after, the BIA initiated Operation Dakota Peacekeeper. Prior to that operation, the BIA had assigned nine officers to patrol 2.3 million acres of land on the reservation.

This operation adds 20 additional officers, who I understand are detailed and then rotated out with 20 new officers in their detail. I believe that is 30 days' rotation.

This Committee held a hearing last month and received some early reports from tribal chairmen that the operation was working and working well. So we are here today to review that progress and discuss the future of the operation here at Standing Rock, and discuss what possibility exists to replicate an operation like this, if this is seen to have significant success. By replication I mean on other Indian reservations, because there are many other reservations that face the same kind of crime wave that exists.

Today we will learn, I believe, that Operation Dakota Peacekeeper proves that additional resources will provide immediate and direct decreases in reservation crime. Funding alone, of course, is not the only thing that will address this problem. Violent crime in Indian Country also suffers from a system, I believe, that is broken. We can't just continue to fund a broken system and hope that the system will be fixed.

For that reason I introduced S. 3320, the Tribal Law and Order Act of 2008, along with Senator Thune and my colleague Senator Conrad and 11 others of our Senate colleagues. This bipartisan bill takes initial steps at trying to provide some reform of the entire system. It would arm tribal justice officials with the additional authority to combat crime in their communities. It would enhance transparency toward nation consultation between Federal and tribal justice officials and encourage much greater cooperation at the local levels between tribes and local communities.

I want to make one additional point. The U.S. Attorney for South Dakota, Marty Jackley, is here, for which I am very appreciative. I had invited the U.S. Attorney for North Dakota, he apparently has a court case, according to the Justice Department, that he has to take.

I have asked, and I will ask for information about declination rates. I will ask the U.S. Attorney General. I asked specifically because I am interested in declination rates on all reservations and what the U.S. Attorneys' offices are doing with respect to cases. The only information on declination, by that I mean the Justice Department, through the U.S. Attorneys, declining to take a case, that exists is information that was obtained by Freedom of Information Request I think at Syracuse University and then published by the Denver Post. It showed a 50 percent declination rate for murder, lots of reasons for it, I am sure; 76 percent declination rate for sexual assault and rape.

So as a result of that, for example, I have asked the Justice Department to give us the information more directly, so that we can understand what is happening. The Justice Department has declined to do that and said that they will not provide that information. So Senator Thune and I and others, when we get back into session in September, will begin to deal with that. I believe we need to understand what is the declination rate for the various U.S. Attorneys' offices and what is the purpose of it. No doubt much of it is perfectly understandable. No doubt, as well, some of it is not. That is especially the case because we have had direct testimony before our Committee at hearings by U.S. Attorneys and some others outside of the hearing who have said that the prosecution of crimes on Indian reservations, particularly in the case of the U.S. Attorney who testified directly, was not something that was considered an important issue. In fact, being too aggressive in prosecuting Indian tribe was taking time away from other duties and was frowned upon by the Justice Department. We need to get to the bottom of all that to understand what are these declination rates? Why would there be a 50 percent declination rate with respect to murder cases? I don't have the foggiest idea what that means, but I hope this Committee will be aggressive and take action to find out what it means.

Let me call on Senator Thune for an opening statement, then we will get to our witnesses.

**STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Mr. Chairman.

I thank you very much for holding the hearing. I appreciate Sitting Bull College hosting us and I apologize for being a little bit tardy. We saw most of your State of North Dakota this morning, we had to go bypass and get around the storm, we flew up over Bismarck and various other parts of your State. So I got a chance to tour that today as well.

I do appreciate our panelists for joining us today, and Mr. Chairman, thank you for hosting us here. It is good to be back at Standing Rock. I don't need, as Senator Dorgan has said, to explain the reason for the hearing. We are very concerned about the public

safety issues as they relate to reservations. We have what some have described as a crisis on many of our reservations around the Country, including some here in North and South Dakota. And if you look at the studies that have been compiled, both by the Department of Justice as well as by the Attorney General in South Dakota, it is pretty telling, the homicide rate on South Dakota's reservations is 10 times higher than those found in the rest of South Dakota, and forcible rapes on the reservation are seven times higher than those found in the rest of the State.

Unfortunately, until Operation Dakota Peacekeeper began, the Standing Rock Sioux Tribe was facing many of these same issues on a daily basis. So I appreciate very much the efforts that have been made by BIA, by Mr. Ragsdale in particular, and recognizing the need that we have here. And more importantly, following up with action.

Having visited here in July, I had an opportunity to sort of look at what was transpiring, what was taking place. I think things seemed to be improving. I am looking forward to hearing from our witnesses today about how things have gone since the last time I was here and also to hearing about what steps might be taken in the future to continue to provide for safety and security and to make sure that once Operation Dakota Peacekeeper is over that that type of security and safety continues.

So I am anxious to learn about that as well as about what Operation Dakota Peacekeeper has taught us in terms of the model that might be used in reservations around the country. Senator Dorgan has taken the Committee leadership there in terms of introducing this crimes bill that we hope will get through, the law enforcement bill through the Senate. I am very pleased to be a co-sponsor of that bill and I have worked with Senator Dorgan and others to try and put some things together that we think will really improve the security situation on our reservations across this country. I very much appreciate the opportunity to be here today, Senator, and thank you for inviting me and thank you all for attending. I look forward to hearing from the panelists today and asking them some questions.

The CHAIRMAN. Senator Thune, thank you very much. We will hear from four witnesses today. Before we do, let me call on Steve Emory for a prayer.

Mr. EMORY. [Prayer in native tongue.]

I would like to ask you all to remain while we honor our veterans. This song says we beneath the president's light our people stand, that they may continue to grow beneath it for generations to come and do this. And it is talking about the military service of our people.

[Song in native tongue.]

For those of you who don't hear Lakota so well, I just want you to know, we pray for all of you to have long lives, good health and happiness. We pray for all those here that are doing the people's work and we ask for the Lord's help.

And today, especially, we remember our relatives here that are in mourning or have been struck by tragedy. And we pray for all of those, we pray for the orphans, the children, the elderly, those who are hospitalized, those who are incarcerated, for our soldiers



who are across the seas in the land of the white sands, that they may all return home safely. All these things we pray for.

[Phrase in native tongue.]

The CHAIRMAN. Mr. Emory, thank you very much.

We will hear from four witnesses today. First will be the Chairman of the Standing Rock Tribe, the Honorable Ron His Horse is Thunder. I would like to ask the witnesses to the extent they can to summarize. We have their entire statements and they will be part of the permanent record. It is our intention to hear from the witnesses, ask questions of the witnesses and then for a very brief time, if possible, if there are those in the audience who wish to stand up and make a comment, we will take some comments. Senator Thune and I have to be gone in about an hour and 45 minutes after the hearing begins.

But I do want to have an opportunity to have the formal portion and if there is some time left, for a rather informal portion for those of you who have come and wish to make a comment, I would welcome that as well.

Chairman His Horse is Thunder, thank you very much, you may proceed.

**STATEMENT OF HON. RON HIS HORSE IS THUNDER,  
CHAIRMAN, STANDING ROCK SIOUX TRIBE**

Mr. HIS HORSE IS THUNDER. Senator Dorgan, Senator Thune, welcome back to Standing Rock. I don't think we have on the history of this reservation ever had Senators and Congressmen visiting our reservation on such a frequent basis, not only for the Dakota Peacekeepers Operation, but for other things on this reservation, and we welcome you back.

We also want to say thank you, Senators, both you, Senator Dorgan and Senator Thune. We also want to thank Senator Conrad and Senator Johnson, and Congressman Pomeroy and Congresswoman Stephanie Herseth Sandlin for the letter that you wrote to the Bureau of Indian Affairs last May, saying that they needed to do something about the crime on this reservation. We know you signed the joint letter and we thank you for that, because without your letter, we don't think that this Dakota Peacekeepers Operation would exist at all. So we thank you for that letter. We thank you again for coming here today.

I also need to thank Marty Jackley for coming again as well to our reservation. He has been here a number of times, not just for hearings, but also to try to take a look at what can be done for law enforcement on this reservation. We thank you for coming back. And Pat, we thank you likewise for putting together this operation, because it has made a huge difference on this reservation.

Senators, I testified last month before the Senate Committee on Indian Affairs in terms of this operation. I reported to you then that we thought it was a success. We still believe it has been a success.

I want to share two anecdotes with you. One, an elderly lady came to me shortly after the surge began and she said she felt safe for the first time in a long time on this reservation. She doesn't have air conditioning in her house, and in the summertime months, her house can get awfully hot. She said for the first time in a long

time, she could sleep with her windows open. It has made a difference to our elderly.

I have another story. A gentleman came to me and he said that he went to the local bar. He pulled into the parking lot about 11 o'clock at night. He thought the bar was closed for the night, because there were no cars. But he saw some lights inside, so he tried the door and the door was open. He went in, and amazingly enough he said there were a lot of people inside. What this means is simply that, the people have learned that you can't drive on this reservation and drink. For the most part, people have learned this lesson. People chose, instead of driving to the bar, to walk to the bar. So that means they are learning a lesson, what a difference it makes to have law enforcement around here.

Now, I have a number of statistics in my written testimony and I won't go through them. We believe the surge is a success. But we are awfully concerned that this is a 90 day surge. So we are concerned what is going to happen after the 90 days is up. The 90 days will be done at the end of this month.

So what happens then? Does that send a message to our people that they can go back to the ways they were, how they acted before? Is a little grandmother who could sleep with her windows open going to have to close her windows? We are concerned it is going to send a message to those people who engage in criminal activities that all they have to do is wait for another three weeks and go back to the way it was before.

So we ask, Senators, if there is a way to make permanent this surge at the staffing levels that we currently have. We have, we believe, some long-term needs not only on this reservation but for other reservations as well.

But in particular, one statistic I want to share with you is that in 2006 there were 44,000 requests for service, requests, phone calls into the police department asking for the police to be there. The response time then would have been an hour or two hours, even if they showed up at all, because they had other calls to go to. This year, as of July, we have had over 1,400 requests. Prior to the surge, we only had 10 law enforcement officers. When I took office as chairman of this tribe three years ago, at that point in time we only had five law enforcement officers, although we had a number of unfilled slots.

This basically has set up a situation on the reservation where we are 25 percent below the average for Indian Country in terms of law enforcement officers, 66 percent below the average number of law enforcement officers per 1,000 inhabitants in non-Indian jurisdictions. We are way below the numbers we need to sustain good law enforcement on this reservation.

The BIA officers who came to our reservation detailed from other reservations couldn't believe how large a land base this tribe had and was so poorly staffed. They have come to us and said they wish that other law enforcement officers from their reservations could come here to our reservation as well to see how well off their reservations were.

One of the law enforcement officers who was detailed here made the comment, he said, what did you do to make the BIA so angry, in terms of referencing the number of law enforcement we had

compared to theirs. We really need a comprehensive, not only is the surge good, but we also need a comprehensive criminal justice system to make it all work. Law enforcement officers in and of themselves is a good thing. But there are other components that we need on this reservation and other reservations to have a comprehensive criminal justice system.

For example, when the surge began, we were promised that we would get more additional dollars for our courts. We didn't get the additional dollars until about two weeks ago, halfway into the surge. We did receive an additional \$400,000, but prior to that we had to make do with the staff that we had. Our judges, our prosecutors were working seven days a week. We couldn't believe it.

So if there is one recommendation about the court system alone, and that is, if there are going to be surges on other reservations, not only do they need law enforcement officers, but they are going to need likewise in their court system the dollars to keep up with the surge in the number of people who are arrested and arraigned on a daily basis.

There are a number of other recommendations that we have. One of course is to make the surge staffing levels permanent. We need to provide funds for tribes to build new facilities to house police officers, tribal courts, adult and juvenile detention facilities, to keep up with the work generated from a fully-staffed law enforcement program. We need to fund alternative programs at Standing Rock, such as a drug court or wellness court, promote culturally appropriate drug and alcohol treatment through demonstration programs.

We need to facilitate greater coordination and consultation between the State, Federal and tribal governments to establish long-term criminal justice goals and practices that are responsive to tribal needs. We need to direct the BIA to grant special law enforcement commissions to tribal gaming and fish rangers so that they may lawfully respond to tribal emergencies.

Direct the BIA to approve State-certified law enforcement officers for patrol duties on Standing Rock. Establish a pilot program at Standing Rock to educate our youth about staying out of trouble, to encourage them to assume careers in law enforcement and provide recruitment incentives for them to join the BIA police academy. We need to improve communication among all first responders at Standing Rock, including a centralized 9-1-1 call center and state of the art radio and GPS equipment for all people who are going to be responding to emergencies, not just the police officers.

Those are just a few of the recommendations we have, Senators. Again, thank you for making the surge possible. It is doing a good job. But there are a number of other needs that go hand in hand to complement the additional officers that we find on this reservation. Law enforcement officers can amongst themselves, additional ones, truly make a difference, but we need other services also. Thank you, Senators.

[The prepared statement of Mr. His Horse is Thunder follows:]

PREPARED STATEMENT OF HON. RON HIS HORSE IS THUNDER, CHAIRMAN, STANDING  
ROCK SIOUX TRIBE

My name is Ron His Horse Is Thunder. I am the Chairman of the Standing Rock Sioux Tribe. In June, in the wake of the murder of a young tribal member, the Bureau of Indian Affairs detailed a “surge” of 20 additional police officers to the Standing Rock Reservation in what is known as “Operation Dakota Peacekeeper.” I am pleased to provide the Committee with testimony today on the effect of Operation Dakota Peacekeeper, the future of this law enforcement surge, and the greater law enforcement and justice needs at Standing Rock.

I want to express my thanks to Senator Dorgan, Senator Thune, Senator Johnson, Senator Conrad, Congresswoman Herseth and Congressman Pomeroy for making this surge possible. Were it not for your intervention—and the May joint letter of the entire North Dakota and South Dakota Congressional delegation to the BIA—there would not have been a surge and I would not be speaking to you today. Your advocacy on our behalf has made our Reservation safer and has given us hope.

I will relate statistics shortly, but numbers aside the increased police presence on our Reservation has made an enormous difference in our community’s sense of safety. In particular, the most vulnerable members of our community, including elders and single parents with young children, no longer feel as if they have been abandoned by the BIA. People feel safer walking outside at night. The surge has contributed to a feeling of community safety that has been unknown to our members for many years now.

I must also thank the many Tribes who have contributed BIA police officers to the surge. I also want to thank former Assistant Secretary Carl Artman and BIA Justice Service Deputy Director Pat Ragsdale, who joins me here today, for their excellent response to our law enforcement crisis. I also want to thank South Dakota U.S. Attorney Marty Jackley, who also joins me here today, for the support and cooperation he has shown to the Tribe.

**Operation Dakota Peacekeeper**

The surge has significantly increased law enforcement on our reservation. In the month of June, police made a total of 541 arrests. Of these, 341 arrests, about ⅔ of all arrests, were made by surge officers. The statistics available so far for the month of July show similar results—395 arrests, the majority of which were made by surge officers. In these two months, the presence of additional officers has more than doubled our capacity to respond to crimes and make arrests.

As a consequence of the surge, our court dockets are full, and our jail is so full that we now have arraignments seven days a week. We have also seen an increase in referrals to child protective services. While these statistics may not seem positive, they mean that some of the problems occurring are being addressed for the first time in years.

Through your efforts, Congress provided \$26 million in additional funding for BIA law enforcement in FY 2008, including \$10 million “to reach the areas of greatest need, particularly remote reservations.” We are certainly a remote reservation and in FY 2007, our violent crime rate was 1,138 per 100,000, placing us in the top nine “high crime” reservations.<sup>1</sup> The May letter to the BIA inquiring about the allocation of this funding was undoubtedly the catalyst for the surge, and our Congressional delegation has continued to advocate for improved law enforcement in Indian country, most recently by introducing the Tribal Law and Order Act of 2008 and the \$2 billion authorization in H.R. 5501 for an Emergency Fund to address law enforcement, health and water needs in Indian country.

My concern and frustration is knowing that this surge is limited in duration. Mr. Ragsdale told this Committee in June that the surge would only last three months, but this mission is far from accomplished. Pulling out the additional officers now would mean our officers would again be able to respond to less than half the crimes committed. A temporary increase in police presence does little to deter crime in the long run—people will learn quickly that the BIA no longer has enough officers to patrol and make arrests effectively, and crimes will once again go undetected and unpunished. The worst part will be that our community members will be left with a false sense of safety, and they may learn the hard way that the police are no longer there to protect them.

Senators, I am asking on behalf of my Tribe that the surge staffing levels be made permanent and that adequate resources be appropriated to meet our needs. We have

<sup>1</sup>In February 2008, the Tribe was informed by Mr. Ragsdale that Standing Rock had the second highest violent crime rate of any reservation. Sadly, any change in the Tribe’s ranking is due to increased crime on other reservations, not a decrease at Standing Rock.

gone too long without adequate police officers, dispatchers, cruisers, communications equipment, judges, Tribal prosecutors, public defenders, detention center personnel, counselors, and alternative programs such as Wellness and Drug Courts. We must work together to stop the bloodletting at Standing Rock and take affirmative measures to heal our community's wounds in culturally appropriate ways.

#### **Long-Term Police Needs**

We know that the recent increase in arrests is not due to an increase in underlying incidents. These problems have been occurring on the Reservation for years, but the Tribe has simply not had the capacity to respond. For example, hospital data from 2005–2006 shows 170 admissions for motor vehicle accidents, 499 admissions for assault, and 72 admissions for attempted suicide. Data from 2006–2007 shows 208 admissions for motor vehicle accidents, 611 admissions for assault, and 71 admissions for attempted suicide. In 2006, there were a total of 44,000 requests for service to the police department. In July 2007 alone, there were 1,400 requests. The surge statistics confirm the existence of a problem that our justice system is only now beginning to be able to address.

Without the surge officers, our justice system is pitifully understaffed and underfunded. The Reservation comprises 2.3 million acres, of which 1.4 million acres is Tribally owned and allotted trust lands. About 10,000 Tribal members and non-members reside on the Reservation in eight communities and in smaller towns. Before the surge, we had only ten BIA police officers. This is enough for only two officers per 24-hour shift to patrol a 2.3 million acre reservation encompassing four towns, eight separate communities, 2,500 miles of roads, and a population of 10,000 residents. This is 25% below the average for Indian country and about 66% below the average number of officers per 1,000 inhabitants in non-Indian jurisdictions.<sup>2</sup>

BIA police officers who have been detailed from other reservations cannot believe a large land-based Tribe such as Standing Rock is so poorly staffed and equipped. They have told us that they want their officers to come to Standing Rock to see how well off they are at their reservations. Our Reservation is one of the largest, yet our police funding and staffing levels are among the lowest. They ask us, "What did you do to make the BIA so angry?"

As a result of inadequate law enforcement, we have one of the highest reservation crime rates. A 2006 "Gap Analysis" commissioned by the BIA to identify and review current policing and detention capacity in Indian country found that BIA District 1, which encompasses an eight-state region including North and South Dakota, had 108 law enforcement officers (LEOs), but needs over four times that amount (483 LEOs). In 2007, the BIA estimated that we would need at least 28 officers at Standing Rock to meet minimally safe staffing requirements, yet by spring of this year we still had only ten officers, despite our repeated requests to the BIA for more officers and despite Congress' increased funding to the BIA in FY 2008 to provide more officers on high crime reservations. In fact, the BIA has never satisfactorily explained to Great Plains Tribes how they allocate law enforcement resources; all we know is that Standing Rock always seems to lose. Operation Dakota Peacekeeper has temporarily provided us with minimally adequate staffing, but the BIA has told us we can expect to go back to our old levels in a month.

We need this increase to be made permanent, and we ask the Committee for your assistance with ensuring that we are not once again left with only ten officers next month. When the United States took the Black Hills on February 28, 1877, it promised to secure to us an orderly government. *Ex Parte Crow Dog*, 109 U.S. 556, 566, cites Article 8 of that Act as follows:

The provisions of the said treaty of 1868, except as herein modified, shall continue in full force, and . . . Congress shall, by appropriate legislation, secure to them an orderly government; they shall be subject to the laws of the United States, and each individual shall be protected in his rights of property, person, and life.

This provision remains good law and demonstrates the responsibility of the United States to make the increased number of law enforcement officers assigned to the Standing Rock Reservation permanent positions.

#### **Comprehensive Justice Needs**

It is also important for the Committee to know that the officer surge addresses only the tip of the iceberg. The Tribe is struggling to provide a comprehensive criminal justice system for our members. This includes police, courts, detention and alter-

<sup>2</sup>A 1997 Justice Department study found that Indian country had 1.3 officers for every 1,000 inhabitants, versus 2.9 officers in non-Indian jurisdictions.

native services, such as Drug/Wellness Courts and alcohol and drug treatment services to reduce our need for detention space. In many ways, Operation Dakota Peacekeeper has only served to highlight deficiencies in our system.

Our courts are understaffed. With police responding to more crimes and making more arrests, our court dockets are bursting at the seams. We currently have three full-time trial judges, one assigned to the Children's Court. Our judges have been working around the clock and on weekends to process arraignments. We need at least one more full-time judge to handle all cases.

Our law enforcement facilities are overcrowded. Surge officers are working out of a trailer in McLaughlin/Bear Soldier, and at Fort Yates they are squeezed into our existing police station. They are being housed in the casino hotel. Our jail is overcrowded as we try to accommodate the new influx of pre-trial detainees and provide space for offenders who receive longer sentences.

We have no 9-1-1 service on the Reservation. In emergencies, Tribal members residing on the South Dakota portion of the Reservation who dial 9-1-1 reach the McLaughlin or Mobridge police departments. Calls must then be referred to the BIA police at Fort Yates, but the response takes too long and precious moments are lost repeating the emergency request. Lives hang in the balance. There is no "golden hour" in Indian country and other rural areas.

We also have insufficient staff to provide proper police dispatch services. Before the surge brought additional dispatchers, we had times when a dispatcher would call in sick, leaving a single officer on duty. That officer could not patrol at all because he had to stay behind to answer calls and serve as a dispatcher. Our equipment and technology is outdated, including our cars, radios and communications infrastructure. We do not even have access to computerized law enforcement statistics. To prepare for this hearing, we had to rely on BIA printouts.

We have nowhere to place juvenile offenders. As you know, we have been working for years to complete construction on an 18-bed juvenile detention center on the Reservation. Right now, we have no juvenile facility. Youth are sometimes temporarily held at the adult facility, which we believe raises serious questions about whether these youth are properly separated from adult offenders and whether they are being housed in youth-appropriate facilities. For longer terms, the BIA contracts with surrounding facilities at Cheyenne River, Pine Ridge and Bismarck, provided there are beds available. In 2008, Tribal youth needed 528 juvenile male contract bed days and 210 juvenile female contract bed days—a monthly average of 75.4 bed days for males and 30 bed days for females. At a bed cost of \$102 per day, this means over \$75,000 was spent on bed space alone, not counting the costs of transportation or staff time associated with bringing juveniles to facilities located several hours away. When there are no beds available, youth are simply released back into the community.

Finally, we need additional resources for youth. We need school resource officers with adequate equipment to respond to emergency situations at school. We need additional officers assigned to the Standing Rock youth court system. We need drug treatment programs and transitional living facilities. Even with the increased arrest statistics, it is clear that the majority of our youth are arrested for offenses such as Minor in Consumption, Motor Vehicle Accident, Disorderly Conduct and Open Container. Recognizing the enormous mental health, suicide and drug and alcohol abuse problems among our youth, the Tribe had originally hoped to open a youth services center that could accommodate transitional housing and therapeutic services as well as detention, but the project has been gradually reduced in size and scope, and the BIA has shown little support for youth treatment services.

### **Recommendations**

In conclusion, the Tribe makes the following recommendations, which we think will make a meaningful difference in our community:

- Make the surge staffing levels permanent. To fund this, BIA could use a portion of extra law enforcement funding provided in FY 2008 or could use funding appropriated under the newly-enacted H.R. 5501.
- Provide funds for the Tribe to build new facility space to house a Police Department (including a McLaughlin substation), Tribal Courts, and adult and juvenile detainees to keep up with the work generated from a fully staffed law enforcement program.
- Provide funding for the Tribe to build on-reservation housing for additional law enforcement personnel.
- Fund alternative programs at Standing Rock, such as a Drug Court or Wellness Court, and promote culturally appropriate drug and alcohol treatment through demonstration programs.

- Facilitate greater coordination and consultation among State, Federal, and Tribal governments to establish long-term criminal justice goals and practices that are responsive to Tribal needs.
- Direct the BIA to grant Special Law Enforcement Commissions to Tribal Game and Fish Rangers so that they may lawfully respond to Tribal emergencies. The Tribe has drafted a deputization agreement and adopted a supporting resolution to accomplish this. U.S. Attorney Jackley has offered to provide training for Tribal Rangers and to assist the Tribe in seeking federal credentials for these officers, but the BIA has so far refused to cooperate.
- Direct the BIA to approve State-certified law enforcement officers for patrol duties at Standing Rock. The requirement that officers travel to New Mexico for 16 weeks to receive training has severely inhibited our ability to recruit officers. It is difficult for our members to spend such a long time away from their families, and we have lost potential officers because of difficulties with the training requirements. The Tribe has a standing offer from South Dakota state officers to allow Standing Rock officers to train for free at the Pierre training facility, but the BIA has so far refused to consider this option.
- Establish a pilot program at Standing Rock to educate youth about staying out of trouble, encourage them to pursue careers in law enforcement, and provide recruitment incentives to join the BIA Police academy.
- Improve communication among all First Responders at Standing Rock, including a centralized 9-1-1 call center and state-of-the-art radio and GPS equipment.

I would like to thank the Committee for traveling to Standing Rock to hold this hearing and for your continued attention to the law enforcement needs at Standing Rock. It is through your efforts that we have been able to attain a small measure of peace and public safety, and we ask you to work with us to make permanent and build on this improvement.

The CHAIRMAN. Mr. Chairman, thank you very much. We appreciate your hospitality and also your leadership and we appreciate your testimony this morning.

Next we will hear from Mr. Patrick Ragsdale, who is in charge of law enforcement for the Bureau of Indian Affairs. Mr. Ragsdale, thank you for your testimony before the Indian Affairs Committee in Washington and also for coming here. My understanding is that you came earlier this weekend and have spent some time with the BIA officers, and we appreciate that work. So why don't you proceed?

**STATEMENT OF W. PATRICK RAGSDALE, DIRECTOR, OFFICE OF JUSTICE SERVICES, U.S. DEPARTMENT OF THE INTERIOR**

Mr. RAGSDALE. Thank you, Mr. Chairman. You have my full statement for the record, which was prepared about a week and a half ago. What I would like to do, if the Chairman pleases, and thank you, Senator Thune, for being here as well, you have had an opportunity to be here on the reservation and back in Washington.

What I would like to do is just use my time to report on what results we think we have achieved, Mr. Chairman. I want to take just a moment to thank the police officers, the court personnel, the corrections officers, and especially the Indian community here at Standing Rock who have received all of our police officers, including the standing police here, with just the greatest reception that I have ever experienced. Even back home, I have never seen a community respond to positively to the assistance that we have tried to provide.

In early May, Mr. Artman, the former Assistant Secretary, gave me a call while I was attending the law enforcement memorial in Artesia, New Mexico, and asked me to consider providing addi-

tional resources to Standing Rock. And I took some time with my staff, I had a lot of my leadership staff there with me at Artesia, which is an annual event to memorialize the fallen police officers in Indian Country. And we worked out a plan. And after we had worked out a plan, I shared the plan with Chairman His Horse is Thunder and we agreed that it was something that we believed that we could reasonable accomplish with tribal cooperation, so we proceeded.

We identified five basic objectives. And I will address each one of those objectives. The first objective was to reduce crime. As a result of this operation, we have made 1,000 arrests in two months of operations, which is a very large number. Approximately 700 arrests were made the first month. The second month we made about 300 arrests. We have had five Federal, activated five Federal cases that include assault with a dangerous weapon, three cases of assault resulting in serious bodily injury and one rape. Over the weekend we have had two rape investigations initiated as a result of the incidents that were reported.

It appears that serious crime has gone down with the same amount, with the additional law enforcement presence on the reservation. The peak of 700 down to 300 arrests indicates a favorable trend. Now, I will not tell you that, from a statistical standpoint, how meaningful those statistics are for a short period of two months. But it does appear that violent crime and serious crime is starting to trend down with the law enforcement presence.

We responded to more than approximately 6,700 calls for service in June and July. I provided the Committee staff last week with some numbers, so you could do some comparison with previous months and years. That is a high number.

Our second objective was to target illegal drug activities. And in that regard, we have conducted active highway saturation patrols, DUI checkpoints, had three to four drug canine units on the reservation throughout the entire operation. We have made 34 drug-related arrests for June and July, 231 alcohol-related arrests for June and July. And according to law enforcement intelligence services, organized drug traffickers have moved off the reservation during this period of time. I am not saying that they are gone, but I have talked to our task force personnel personally, and some have characterized our operation as sort of a blitz. The result was that the organized traffickers have moved back.

Our third objective was to provide investigations to prosecute domestic violence. We made 86 arrests for domestic violence in June and July. We have responded to 93 cases of reported domestic violence in June and only 36 in July, which again indicates, we hope indicates a trend downward of these types of incidents.

Our fourth objective was to investigate, provide investigate resources to prosecute crimes against children. We made 21 arrests during June and 35 in July. We responded to 32 cases of reported crimes against children for June and 38 for July. We responded to four calls for service regarding elder abuse for June and none in July.

Finally, our fifth and final objective was to develop a strategy to promote a safe community on the Standing Rock Reservation. We have been involved in many policing activities, we have had 16



community meetings and community involvement in these meetings ranged from 15 to 50 people at a time. We have made four presentations at various schools on the reservation with our police resource officer. We have deployed three police officers with experience in school resources for this operation and plan to have two more permanent officers, permanent resource officers, in the future.

In August, a regional community policing institute had been contacted in order to facilitate a safe community strategy and liaison with the agencies and department of the State, tribe and Federal Government. I think we will have a total community mobilization effort to address such other problems, such as youth suicide.

In order to accomplish our objectives, we provided the Committee and the tribes with a summary of our operating plan, which is basically a five point plan. I will just review very quickly the accuracy of the plan and our execution of it. First of all, we described the situation in summary was that an environment highly conducive to lawlessness existed on this particular reservation. In retrospect, after dealing with the community leaders, tribal leadership and the government, we think we accurately described the situation when we arrived.

Our mission was to ensure that Indian communities and people are safe. We believe as a result of this operation the community is safe, based upon tribal leadership's response and based upon walking the streets and going to the pow-wows and other activities and talking with individuals. The execution of the plan started in June 2008, with employment of approximately 20 officers. They have been proactive. We have worked on contingency plans to address particular situations. We have had the total assistance and cooperation of the tribal government and the agencies thereunder. We have made some specific recommendations to the tribe in regards to cross-deputization with other States and local authorities. We have provided additional criminal investigators for this operation, so that we can diligently work the cases.

In retrospect, probably if we were to replicate this operation somewhere else, we would provide more uniforms and less criminal investigators at the outset and bring the criminal investigators in after a month or so of the operation.

The administrative support and focus on assistance has been ongoing. Some of the administrative logistics, you will notice if you have been around for the last couple of months, you will see a variety of different uniform personnel here, with the support of the tribal governments. I will tell you that if we had not had the support of a lot of the tribes who provided their own police officers individually, it would have been hard to sustain this particular operation.

We have detailed additional corrections staff in to handle the additional prisoner workload. The Chairman has mentioned that we provided some additional funding. That was one of the lessons learned, that we did not really think about the strain on the court when we started this operation. And about, I think the last time I was up here with Senator Thune we talked about that, and we shortly thereafter that provided some additional funding for the tribes to be able to handle that.

Another item that I think will be useful for the tribe as well as our entire tribal judicial system is that you consider maybe activating some drug courts in Indian Country. Now, having said that, if you are going to do that, you are going to have to have probationary resource personnel. And drug courts, if I understand the actual operation of them, are very intensive, require intensive attention to the system. Because you are constantly meeting with offenders that are on probation, checking on them, working with them to make sure that they are in productive work and so on. Most of our court systems in Indian Country are not set up to do that.

Command and coordination I think has worked fairly well. We have had good coordination with the tribe, in particular with the Chairman. The community has received us better than anything I have ever seen.

Our summary findings are that the community is safer, as evidence by such comments as, they can leave their windows at home open at night without fear. They have a normal community now. They can sleep at night. The community now interacts, and I believe this is personally, with law enforcement personnel much more than they ever have. And overall, there appears to be a decrease in violent crime.

The Chairman talked, the best form of flatter is imitation, so I am going to flatter the Chairman by repeating some things that he said. At the hearing we had in Washington, he used the term pillars of the public safety system. Indeed, the basic elements of any public safety system in any community are based upon how the peacekeepers or law enforcement officers have a system of discipline in the form of a corrections system and having a sound judicial system to support it.

And finally, and I think probably the most important element of having a good public safety system anywhere is community support. You certainly have that at Standing Rock.

I will conclude my testimony, Mr. Chairman, and look forward to answering your questions.

[The prepared statement of Mr. Ragsdale follows:]

PREPARED STATEMENT OF W. PATRICK RAGSDALE, DIRECTOR, OFFICE OF JUSTICE SERVICES, U.S. DEPARTMENT OF THE INTERIOR

Mr. Chairman and members of the Committee, I am pleased to provide testimony for the Department of the Interior, regarding "Operation Dakota Peacekeeper."

The Standing Rock Indian Reservation consists of 2.3 million acres and spans portions of North and South Dakota. Crime on the Standing Rock Reservation occurs at an alarming rate—approximately six times the national average. The tribal leadership of the Standing Rock Sioux Tribe requested additional police presence to reduce the violence and ensure peace and order in the Reservation's eight communities. The Bureau of Indian Affairs (BIA) provides primary law enforcement services.

Operation Dakota Peacekeeper is consistent with Secretary Kempthorne's "Safe Indian Communities Initiative" to combat crime within Indian country. The key objectives of Operation Dakota Peacekeeper are to reduce crime, target illegal drug activities, provide investigations support to prosecute domestic violence offenses and crimes against children.

The mission of the operation is to deploy additional personnel to the Standing Rock Reservation and use community-policing tactics to carry out the operation. The additional personnel are on detail from other BIA and Tribal Police Departments across the country. We are grateful for the sacrifices and individual contributions made by the officers and their home organizations. The teams made up of these officers provide patrol and investigative services as needed. They provide proactive law enforcement presence, implement contingency plans to provide continuing law enforcement, assist local governments and law enforcement agencies, and provide additional support to criminal investigations by utilizing special agents assigned to the deployment team.

The Standing Rock community also plays a vital role in the success of the Operation. We are working with community and tribal leaders to sponsor community events, develop crime fighting strategies, community watch practices, outreach on drug education and prevention, increase patrol in high crime areas, and foster safe community practices.

Additionally, we have provided additional funding to the tribal court to deal with the case load generated by the arrests.

Overall, the Operation will assist the BIA in developing future strategies to promote safer Indian communities within Indian Country. We are seeing results and will continue to review the progress being made on the Reservation. We will continue to work closely with the Committee and the Tribe on this important operation. I will be happy to answer any further questions you may have.

The CHAIRMAN. Mr. Ragsdale, thank you very much. Next we will hear from the U.S. Attorney from South Dakota, Mr. Marty Jackley.

**STATEMENT OF HON. MARTY J. JACKLEY, U.S. ATTORNEY,  
DISTRICT OF SOUTH DAKOTA**

Mr. JACKLEY. Thank you, Mr. Chairman and Senator Thune. I appreciate the opportunity to be here on behalf of the Department of Justice.

I do want to express, on behalf of the Attorney General, as well as the U.S. Attorney community, our commitment to improve public safety in Indian Country. As we look at the South Dakota U.S.

Attorney's office, I would like to take just a moment to describe what we do in Indian Country. We of course have nine Indian reservations in South Dakota. We service Indian Country from three main offices. Twenty of our 28 United States Attorneys, Assistant United States Attorneys, are in the criminal division. That basically means 20 of our lawyers, including our U.S. Attorney, have a fairly active criminal case load.

When we look at our criminal case load in South Dakota, about 50 to 65 percent of the prosecutions that occur, occur out of Indian Country. Some of the things that we have found that work well with Indian Country are having tribal liaisons. I realize that North Dakota does the same thing under Mr. Wrigley's office. We assign, for each of our reservations, an AUSA to act as liaison, so that AUSA is familiar with the tribal court system, handles the cases arising out of that reservation. It has worked very well for us.

There is a distinguishment between what are often referred to as national tribal liaisons, which would simply mean we have three of those in our office, one out of Rapid City, one out of Pierre and then myself out of Sioux Falls, that coordinate with the national system. Because of the number of reservations we have in South Dakota, in addition to the three national tribal liaisons, we have approximately between 10 and 15 lawyers acting as tribal liaisons.

Something else we have done in South Dakota that we feel works really well in Indian Country are the MDT or multi-disciplinary team meetings with respect to sexual abuse cases. Our lawyers come to each reservation approximately once a month to meet with tribal and State officials, health care officials, law enforcement, on sex abuse cases for some of the most vulnerable individuals on the reservation, young children.

I would like to focus a little bit on Dakota Peacekeeper. We have found a great success story here. I know that the tribal Chairman and Mr. Ragsdale have talked about the numbers. What those numbers show is approximately a five-fold increase in arrests, going from an average of 109 per month to the two-month time frame of 1,000 arrests. That has been a significant success story. But I think more importantly, the success story shown in the community, the outpouring of the community in support of the operation is all over the place.

I think as we move forward and we finalize this operation and look to potential future operations, there are some lessons to be learned or some things to look at. One remains the importance of communication and coordination with all law enforcement, that is tribal, State and Federal. I think that can be brought about with cross-deputization. I understand the concerns oftentimes that are politically raised with regard to the word cross-deputization. But again, it acts as a force multiplier when dealing with non-Indians and Indians. I would simply urge at least consideration with respect to that.

I think it also is important to use a word of caution when relying upon law enforcement resources from other reservations, so we do not deplete any of those very valuable resources.

As far as the South Dakota U.S. Attorney office's commitment to Dakota Peacekeeper and ultimately improving public safety in Indian Country, I will represent to you as the U.S. Attorney from

South Dakota that we will aggressively prosecute those cases brought to us by law enforcement authorities as part of the operation as well as anywhere in Indian Country.

Some additional things we have been doing in South Dakota with respect to the BIA Special Law Enforcement Commissions, in June the South Dakota U.S. Attorney's office teamed up with the BIA and the Colorado U.S. Attorney's office and held a two-day Indian Country course work in Pierre. We had a strong showing of approximately 40 officers who participated in that class.

The other thing that we are doing is with respect to training of tribal prosecutors. In August, the South Dakota Attorney General and the U.S. Attorney's office in South Dakota have teamed up for a one-day trial advocacy course and have invited all tribal prosecutors to come to Pierre and attend, as well as to attend a social event in the evening just to improve interaction between State, Federal and tribal prosecutors.

Finally, I think there has been a strong effort and there needs to continue to be a strong effort in both South Dakota and North Dakota to expand the Safe Trails Drug Task Force. I can tell you, from the South Dakota side, our task force has received the National Indian Country award. Fairly recently, with respect to this area, there were 45 individuals indicted on a methamphetamine conspiracy. Thirty-two were taken federally and we received convictions on all 32. It has been a very effective mechanism to improve public safety in Indian Country. As a commitment from the U.S. Attorney's office in South Dakota, we have assigned a full-time AUSA to prosecute cases out of the task force, and the South Dakota Attorney General and the South Dakota U.S. Attorney have the Joint Special Assistant United States Attorney that also is assigned permanently to the task force to improve those prosecutions.

Lastly, I wanted to hit a moment on declinations, because I know the Senator had raised a concern. I want to talk a little bit about the Department's policy, the terminology and how we handle declinations in South Dakota.

I think you are aware that South Dakota puts out an annual report where we set forth what prosecutions have occurred, and we break it down by major crimes, we break it down by the reservations. I have some available here today if folks want to receive copies of those.

But what is not contained in those reports are the declination rates. And when we talk about declinations, I think it is important to understand, there is a declination rate, which is a mere percentage of those cases that a U.S. Attorney prosecutes versus declines to prosecute. And then there is a declination report. A report contains perhaps more sensitive information that can affect potential outcomes of prosecutions. It has been the Department's policy to not disclose declination reports or rates. I think you have heard from two of my colleagues, Arizona's U.S. Attorney and North Carolina's U.S. Attorney, that talked in detail about the concerns that declination reports and rates can have with respect to ongoing investigations.

I did want to point out there is a specific example in my district, in the District of South Dakota, where a declination came in, in a court proceeding, the case was *United States v. Carter*. It's a 2005

Eighth Circuit decision where the trial level in 1986, an AUSA had signed a declination on a rape matter. And ultimately in the prosecution of a 2001 rape, the issue came up, the judge allowed the declination letter as an exhibit, it was Exhibit O. We litigated it, we litigated in the Eighth Circuit. We lost the admissibility issue.

The reason I talk about that is, in our district, because of that, you are going to hear me discuss referrals. So we don't necessarily like to call matters declinations. We will refer them for tribal prosecution. We will refer them for State prosecution.

Also when you look at declinations, it is important to understand, so that there can be a comparison of apples and apples. When a matter comes into a U.S. Attorney's office, it is considered a file matter. U.S. Attorneys have discretion on which matters they are going to accept as file matters. In other words, does it have to be a written report from law enforcement, can it be a verbal report, can it be a report from non-law enforcement. So there are a variety of different ways that you are able to determine which comes into a U.S. Attorney's office and is opened as a file matter.

Then once a file matter is opened, when you look at the Department's statistics, it is either prosecuted or it is declined. But we have various things that occur when you mention declined. One can be an immediate declination. What immediate declination, at least in my district is, it is just simply no jurisdiction on the case. It may be a non-Indian assaulting a non-Indian in Indian Country, so we wouldn't have jurisdiction over that. It may be a barking dog on Pine Ridge. Again, we wouldn't have Federal jurisdiction on that, it is not a major crime.

So there is an immediate declination of filing, and then there is what would be called a true declination, and that is when our lawyers have spent more than an hour analyzing the matter and addressing the matter and ultimately determine for a variety of different reasons that we are going to decline the case.

The third category, at least in the District of South Dakota, is a referral category. What that means is basically, we have looked at it, it is not a matter that we are going to prosecute. We are not saying it is a prosecutable case, but we will refer it to either the State Attorney General's office or the tribal prosecutor to handle. It is important, when you note about referrals, there is no double jeopardy between a Federal and a tribal prosecution. Similarly, there is no Department policy hindering prosecution by both Federal and tribal prosecutors.

So as you can see, when you look at that terminology, there are a variety of things that can actually constitute a declination. If you look at just simply a rate, it doesn't necessarily accurately depict a picture for you.

I will tell you, in the District of South Dakota, prior to January of 2008, we pretty much opened a file matter for everything. That means written reports from law enforcement, verbal reports, written reports from non-law enforcement, perhaps it might be Department of Social Services, it might be IHS, a report comes in. We had a huge number of file matters. I think the Senator referenced the statistics that were published in the Denver Post. So if you look at South Dakota's pre-January 1, 2008 statistics, you are going to see a high declination rate, according to those numbers.

In January of 2008, I changed our policy, so that our policy says, for a file to be opened in this district, a couple of things have to happen. It either has to be a written report from law enforcement. Number two, if we are doing anything in relation to grand jury, we open up a file matter. And number three, the catch-all provision is if a lawyer in our office feels it is an important matter, then we are going to open up a file.

We have since revised the policy a couple of weeks ago to be a little more specific. What we were finding out with respect to our referral letters, we were simply sending referral or declination letters to law enforcement, actually through the help of Mike Swallow, we learned that the prosecutor wasn't always receiving those. So our new policy is that when we decline or refer a matter, at least when it is tribal, the letter will go to both the law enforcement agency as well as to the tribal prosecutor.

But again, because of the *U.S. v. Carter* decision, they are going to be a very general letter. They aren't very specific to why we are declining it or referring it. But that is the reason for that, and I am happy to answer any questions that the Senators may have about the declination policy, Dakota Peacekeeper or the District of South Dakota.

[The prepared statement of Mr. Jackley follows:]

PREPARED STATEMENT OF HON. MARTY J. JACKLEY, U.S. ATTORNEY, DISTRICT OF  
SOUTH DAKOTA

Chairman Dorgan and Members of the Committee: The Department of Justice (the "Department") appreciates the opportunity to provide testimony to the Committee regarding Operation Dakota Peacekeeper. I am Marty Jackley, and it is my privilege to serve as the United States Attorney for the District of South Dakota.

The Department understands the importance and the challenges of combating crime and violence in and around our Indian communities. The President and the Attorney General are committed to working with tribal, state, and local law enforcement, the Department of the Interior, and others, to provide public safety and security for people living in Indian Country.

The South Dakota US Attorney's Office has the critical responsibility of prosecuting major crimes and federal offenses occurring within our nine reservations. Twenty of our twenty-eight assistant US attorneys are designated as criminal prosecutors who serve South Dakota's reservations from three offices located throughout the state.

Our office has historically demonstrated a strong commitment to improving public safety in Indian Country. Generally, 50–65 percent of our criminal prosecutions involve incidents occurring within Indian Country.

In addition, our office and the United States Attorney's Office in the District of North Dakota have both designated Assistant U.S. Attorneys (AUSA) to serve as the primary prosecutor and tribal liaison for each reservation. The close working relationships which develop between these AUSAs, their tribal counterparts, and other law enforcement officials have yielded many successful prosecutions and have had a tangible effect upon improving public safety.

The AUSAs assigned to specific reservations also organize and lead meetings of multi-disciplinary teams, or MDTs. These MDTs meet monthly to discuss potential or pending criminal sexual abuse cases involving some of the most vulnerable victims in our society.

On May 14, 2008, Secretary of the Interior Dirk Kempthorne introduced "Operation Dakota Peacekeeper" (the "Operation") in an effort to strengthen the law enforcement presence in the Standing Rock Sioux Reservation communities. The Operation was a rapid response to escalating criminal activity on the reservation, which already has a rate of violent crime that is approximately six times the national average.

The first of three phases of the Operation commenced on June 2, 2008, when fifteen patrol officers and five criminal investigators reported to the Standing Rock Reservation. Completion of Phase II on July 25, 2008, demonstrated impressive ini-

tial success which included 1,004 total arrests. This represents roughly a fivefold increase in arrests from the reservation's average monthly total of 109 arrests. Most of the arrests during Phases I and II of the Operation involved juveniles and misdemeanor alcohol-related offenses. Main Justice and the US Attorneys' Offices are committed to the prosecution of federal criminal violations referred as a result of the Operation.

Perhaps the Operation's true success is best demonstrated by the outpouring of community support. Standing Rock residents are grateful for the increased law enforcement presence and community outreach. Operation officials have conducted 16 public meetings, centered upon public education and increased involvement in public safety, neighborhood watch programs, and controlled substance prevention. Officers have also utilized the Pow Wow celebrations as an additional opportunity to increase public awareness for resources such as child protection services.

Even with the early success of the Operation, areas for improvement remain as we seek to sustain enhanced public safety for all of our Indian communities. Coordination and communication are essential and involve all of the law enforcement agencies operating in and around reservations. This includes state, federal, and tribal officers whose cooperation is critical to neutralizing the efforts of many criminals who seek to exploit jurisdictional differences by moving in and out of Indian Country. In addition, cross-deputization for officers, when practical, may create more efficient utilization of law enforcement resources and serve as a force-multiplier when dealing with Indian and non-Indian offenders. Planners should also proceed cautiously in relying upon law enforcement resources from other reservations to support the operation. Ultimately, long-term planning is necessary to ensure the success of any operation such as the one underway on the Standing Rock Reservation. To assist in the continued success of the Operation and as part of our commitment to public safety in Indian Country, our US Attorney's Office has developed a strategy which features three components:

- (1) joint Special Law Enforcement Commission (SLEC) training;
- (2) training for tribal prosecutors; and
- (3) expansion of the Northern Plains Safe Trails Drug Task Force led by the Federal Bureau of Investigation (FBI).

Under the SLEC program, we have partnered with the Department of Interior, Bureau of Indian Affairs to provide training to tribal, state, and local officers on certain aspects of federal criminal law. The SLEC program provides qualified officers with limited liability protections and expands arrest authority to include federal crimes committed by Indians and non-Indians. In June, our office joined with the Colorado US Attorney's Office and the BIA to train approximately 40 officers interested in obtaining SLECs.

On August 13th, our office will join members of the South Dakota Attorney General's Office and tribal prosecutors for training designed to improve courtroom advocacy. The meeting will also provide a valuable opportunity to renew personal relationships and enhance cooperative law enforcement efforts.

Finally, the Safe Trails Drug Task Forces in both North Dakota and South Dakota have a track record of proven success and represent inter-agency cooperation at its best. The South Dakota Task Force is a past recipient of the National Indian Country Law Enforcement Achievement award for its exceptional efforts in Indian Country. Earlier this year, a Task Force investigation concerning a large-scale drug conspiracy operating in and around the Standing Rock Reservation led to federal convictions for all 32 defendants indicted. Our office has supported the expansion of the Safe Trails Task Force by assigning it a fulltime AUSA and a special assistant US attorney (SAUSA). The Safe Trails Drug Task Force operating in North Dakota has had similar success and aggressively pursues drug cases on Indian reservations without regard to drug quantities.

I want to thank the Committee for the opportunity to discuss these issues today. We appreciate the opportunity to work with the Committee to improve the safety and security of all those who live in and around Indian Country.

The CHAIRMAN. Mr. Jackley, thank you very much for being with us.

Finally, we will hear from the Honorable William Zuger, who is the Chief Judge of the Standing Rock Sioux Tribal Court.



**STATEMENT OF HON. WILLIAM ZUGER, CHIEF JUDGE,  
STANDING ROCK SIOUX TRIBAL COURT**

Mr. ZUGER. Chairman Dorgan, Senator Thune, before I turn to my prepared remarks, I have some additional thoughts on things that have been raised by my three esteemed colleagues here.

With regard to what Director Ragsdale has said about the drug courts, I would heartily second that. He is right on spot. I have had extensive conversations with both State and tribal law enforcement, judicial authorities with regard to drug courts. I have spent considerable time in Bismarck with Judge Haggerty, the presiding judge up there, and with the head of the drug court up there. I have talked at length with the director of the drug court program of the Turtle Mountain Band of Chippewa. I have had conversations with their tribal authorities as well.

It is a personnel-intensive matter. If those people could quit using their drug of choice without help, they would have done so, because the consequences are obviously counter-productive in their lives. So there needs to be a traditional court staff in an experienced court staff to deal with these people.

With regard to Mr. Jackley's comments on declinations, I do know from files in which I have issued continuances, and in fact dismissals. Mr. Swallow has had problems in getting the return of evidence from Federal authorities, particularly rape kits. I can't give too much of the specifics, because as a judge, my business is to deal with the matters that come before me. I really am not the best person to comment on the status of prosecutions which have not yet appeared in my court.

And with regard to what Chairman His Horse is Thunder has said about the anecdotal evidence, I have been in the law business for 37 years. And I have come to believe that those anecdotal things which are reliable give often a richer and deeper picture of reality than do statistics. In the words of Disraeli, there are three kinds of lies, there are lies, damned lies and statistics.

So in my experience as the head of the judicial branch of this government, I have many people come in to talk to me, and particularly elders. They report to me as they have reported to Chairman His Horse is Thunder, things are a whole lot better out there.

With that, I would turn to my prepared remarks. The Committee has asked that we address specifically the Operation Peacekeeper. I have also some thoughts with regard to the long-term, which again I address at page three of my comments. I wish to thank Chairman Dorgan for the Committee's invitation to me to present testimony to the Committee regarding the progress of Operation Dakota Peacekeeper. It is a distinct honor, especially as a non-Indian, to be entrusted by the Chairman, Council and the members of the Standing Rock Sioux Tribe to hold the position of their chief judge, a constitutional elected office of the tribe, and have this opportunity to address the vital interests of law and order on this reservation.

I also wish to express my thanks to John Harte for allowing me to submit the required prior written submission through my Associate Chief Judge, Curtis Carroll, who was kind enough to take time last Thursday to summarize his and my mutual assessment of the impact of the Peacekeeper initiative. I was, unfortunately, in

Baltimore last week, where I was attending the 2008 National Symposium on Sex Offender Management and Accountability, with the Department of Justice presenting the Standing Rock Sioux Tribal Council.

I believe that we are entering upon an exciting and gratifying time which will see the restoration of substantial self-determination, self-sufficiency and the inherent sovereignty of the Indian tribes and nations of America. We are not there yet, and there is much that needs to be done. I sense a fundamental concern and a commitment to do something, not only by this Committee, but by the many fine people of the Bureau of Indian Affairs, with whom I have had the privilege of sharing counsel over the last year or so.

The problems of health, safety and welfare of the people of Standing Rock are substantial and are both acute and chronic in their need for attention and solution. We are here today to discuss the acute needs currently being addressed by Operation Dakota Peacekeeper. These have been very ably and succinctly address by Judge Carroll in my absence.

As the hopefully first phase comes to a point of transition, I submit these considerations for your attention. First, there needs to be a continuity of law enforcement presence on the reservation. As Judge Carroll notes, this necessitates an ongoing presence by a contingent of officers who will stay long enough to understand the reservation and be available to follow through with the prosecution of criminal offenders.

Second, we need the prosecutorial and adjudicatory staff, and for that matter, detention capacity, to assure that the deterrence to crime is a reality, not merely a transitory inconvenience to those would take advantage of the reservation. To this end, there simply is insufficient legal staff to properly prepare to see these cases through to trial, either in the office of the chief prosecutor or the public defender.

Overlooked in this entire process is the Children's Court, which does not currently provide legal counsel for those minors charged with delinquency, each act of which carries a jeopardy of six months of imprisonment, and in which defendants are entitled to protection of the law equal to that of adult offenders under the Indian Civil Rights Act and the Standing Rock Sioux Tribe Constitution and Code of Justice, under which adult are provided with legal counsel at the tribe's expense through the office of public defender.

Unfortunately, the case log in adult criminal court presently precludes the public defender from addressing all but the most pressing matters in the Children's Court.

Third, the courts lack the physical staff and infrastructure to adequately meet the influx of cases. Part of this is internal, consisting of problems which we are addressing within the court and with the council and the Judicial Committee. However, part of it is due to not ramping up the court's resources to prepare for the additional police.

As Judge Carroll noted in his summary last week, the Peacekeeper initiative will be for naught if a permanent, sufficient law enforcement presence is not provided for Standing Rock. Indeed, as

he notes, some of those who have cooperated with and depended on that effort will be placed in the worst position as a result.

As an elected officer of the tribe, I receive substantial feedback from my constituents. They expressed much fear and frustration before the initiative. They have expressed much gratitude since the initiative. Life on the reservation is becoming—finally—safe.

On July 15th, Elmer Four Dance, Special Agent in Charge of BIA District 1 law enforcement, told Sioux Falls television station KELO that a law enforcement presence of 48 sworn officers would be optimal for the Standing Rock Reservation. The Peacekeeper initiative has not reached this level. However, the results have been substantial. This is a measure of just how bad the situation has been and just how far we have to go.

And Chairman Dorgan, if I might just briefly dip into something that I mentioned in the written but not oral portion of my testimony, I have been born and raised in Bismarck, where, when we pick up the phone, we can expect police or fire to show up within two or three minutes. We don't even have a fire department here. With regard to the police department, the Amnesty International report revealed, to the shock of the outside world, how often even violent sexual assaults against Indian women occur, and they go as long as two days without a response, in some cases, no response ever.

The Indian people of this Country are citizens of the United States of America and they are entitled to the basic health, safety and welfare that this Country provides for all of its citizens. And of those rights, the most fundamental is the right to live in safety.

I thank Chairman Dorgan for inviting me to testify.

[The prepared statement of Judge Zuger follows:]

PREPARED STATEMENT OF HON. WILLIAM ZUGER, CHIEF JUDGE, STANDING ROCK  
SIOUX TRIBAL COURT

The increased presence of law enforcement on the Standing Rock Reservation appears to have had beneficial effects. People feel safer in their homes and in the communities. Almost all reservation residents are thankful that the federal government has initiated this effort at law enforcement. There is little statistical evidence on the actual crimes committed as opposed to the statistics on reports, arrests, prosecutions and convictions, but there is enough anecdotal support that the only reasonable conclusion is that while reports, arrests, prosecutions and convictions are up, crime itself is substantially down. It appears to be down for all offenses, including domestic violence and other assaults, burglaries, arsons, DUIs, drug crimes and drug related crimes, disorderly conduct, child abuse and child neglect, disorderly conduct, and the specific although common offense of being intoxicated on a public roadway. It is my own personal feeling that the commission of status offenses, such as underage consumption of alcohol is down somewhat less than other offenses are down, but that it too, is down.

That stated, there have been, and are, substantial problems which I will address here. First, the Court, the prosecutor, and the public defender had little advance notice that additional law enforcement was going to be assigned to Standing Rock. Although we had heard generally that something was in the works, we did not know specifically what. We were not consulted during advance planning, and we had less than two weeks certain knowledge that additional officers were going to be assigned, and when. Therefore we had already fully scheduled our dockets, and crowding more arraignments, preliminary hearings, motions and trials into an already full docket has been a challenge.

Second, both the extra officers and those arrested know that the officers are assigned here on a temporary basis. Therefore there may be difficulty in obtaining the officer's testimony when the matter comes to trial. The issue of a criminal defendant's right to confront and cross-examine witnesses has been discussed. Judge Zuger and I are both of the opinion that that Tribal Court has no business setting a lower due process standard than do the federal courts, and the right to confront and cross-examine is a fundamental aspect of due process. The Court and the BIA have cooperated by agreeing to schedule all of the trials that an officer is required to return for on the same day. We hope that this will work, but it has not been tested because the trial dates are mostly still pending.

Also, because the federal officers are here for only a short time, they are often negligent in their preparation of police reports. Today, at arraignments, the prosecutor felt compelled to plea bargain a DUI 3<sup>rd</sup> down to reckless driving because the arresting officer, one of the temporary officers, had filed no arrest report. After the defense had bound the tribe into a plea agreement, and the defendant entered a plea to reckless driving with the understanding that the DUI would then be dismissed with prejudice, the defendant acknowledged driving while intoxicated. Many of the other reports, although timely filed, are cursory or incomprehensible. This is sometimes a problem with the permanent officers as well, but it is exacerbated when the officers know that they won't be here for long, and have little incentive to do all that is required of them to assist in the prosecution of cases.

Similarly, the Court has little authority over the federal officers. We cannot, in fact, even require them to appear to testify, and some officers routinely fail to appear, and the Court can do nothing. Similarly, if the Court determines that a police officer, or any non Indian witness has perjured them themselves, or is disrupting the proceedings, the Court has precious little authority to deal with the problem, and such authority as does exist is thin and uncertain.

There is major concern that when this effort ends, and the officers leave that lawlessness will return, and that there will be specific problems with retaliation against those who have reported crimes to law enforcement.

**We need to continue increased law enforcement at some level for some time.**

The CHAIRMAN. Judge Zuger, thank you very much. I appreciate the testimony of all four of you.

I want to mention that Marty Boeckel, who is the State Director for Senator Conrad, is with us today. Senator Conrad is a member of our Indian Affairs Committee. Tanya Peterson, Staff Assistant for Senator Tim Johnson, is here. Tanya is back there. Senator Johnson is also a member of our Indian Affairs Committee. And Virginia Newquist, with the Honorable Stephanie Herseth Sandlin is here. Thank you very much for being with us today.

Mr. David Gipp, where are you?

Mr. Gipp. Right here, Senator.

The CHAIRMAN. I am going to ask some questions, then ask Senator Thune to ask questions. I want to have time to have you make a comment about your law enforcement experience.

Let me begin. It is hard to know where to begin. Mr. Ragsdale, the BIA has the responsibility for law enforcement here on the reservation, is that correct?

Mr. RAGSDALE. Absolutely.

The CHAIRMAN. And prior to this surge, you had nine officers on the reservation. Clearly that is insufficient, is that correct?

Mr. RAGSDALE. That is correct.

The CHAIRMAN. So we now have 29? We have 20 additional officers that have been brought in on a rotating basis?

Mr. RAGSDALE. We have 15 positions here right now on Standing Rock now, which is up from the numbers we previously cited. I think we have one or two vacancies. We have one officer that is on his way to the police academy.

The CHAIRMAN. Let's stipulate that this has been a successful program, the surge. One might make the case, I suppose that if resources were available, there shouldn't have had to have been a surge. We should have had more than nine officers here on this reservation in the first place.

Two people per 24 hour shift, Mr. Chairman, you said, for an area the size of Connecticut. Clearly, that doesn't work. So we have now what is called a surge. The surge at some point will conclude, because you can't keep bringing people in from around the Country, I assume, on a temporary basis. I would presume, you didn't describe it, but the testimony submitted by his assistant, you get people who come in for a period of time and then they are gone. There are no arrest reports, or they are not here when they want to prosecute.

The surge is good. I think all of us appreciate the work that you have done to make this happen. What happens next?

Mr. RAGSDALE. We will sustain, we intend to sustain this operation through September. So those folks that have been waiting for us to leave, they need to wait longer, because we are going to sustain this until the end of the fiscal year. At the beginning of the fiscal year, I will likely make some determinations of what else we can do. We will have 15 officers here, if our funding levels stay constant, plus 2 additional officers that we intend to hire as school police resource officers.

The CHAIRMAN. Is that sufficient for the law enforcement needs on this reservation?

Mr. RAGSDALE. No, sir, it is not sufficient.

The CHAIRMAN. Whose responsibility is it to provide sufficient resources?

Mr. RAGSDALE. It is the Federal Government's responsibility.

The CHAIRMAN. BIA?

Mr. RAGSDALE. The BIA is the agency that has primary responsibility, but the BIA is not totally responsible for all law enforcement resources.

The CHAIRMAN. I understand, but principally the BIA?

Mr. RAGSDALE. Yes, sir.

The CHAIRMAN. So you don't have the resources at this point to make this assignment at this reservation and other responsibilities you have? You don't have the resources to do that?

Mr. RAGSDALE. No, sir. What we do is try to balance the resources that we have so they meet the requirements throughout Indian Country.

The CHAIRMAN. Have you requested sufficient resources so that you would be able to put the number of people you need here for law enforcement purposes?

Mr. RAGSDALE. We have provided the information that shows the policy makers of this Country, the Congress and the President, the gaps that we need to fill in both detention and law enforcement, and we have some analysis on the needs for tribal law enforcement.

The CHAIRMAN. Are you able to provide for the Committee the recommendations that you have cited? I assume they go up through OMB, correct?

Mr. RAGSDALE. I think that we have. We can provide it to you, the financial requests are in the annual President's submission of the budget.

The CHAIRMAN. So at this point, you are saying that through the end of September, this surge continues. Following that, at a minimum, you have 17 resources, or you will have 17 people assigned to this reservation, is that correct?

Mr. RAGSDALE. That is correct. Now, it will depend again on how Congress acts on the upcoming budget whether or not we have a continuing resolution and what the base levels that will be provided and so forth.

The CHAIRMAN. First of all, the drug courts are very important. To the extent there are resources for the drug courts, I can't think of a more important thing to do than to provide those resources and I appreciate that comment. Mr. Chairman, I know you have, in addition, serious detention problems, don't you?

Mr. HIS HORSE IS THUNDER. Absolutely, Mr. Chairman. We currently now, for youth detention anyway, prior to the surge, we weren't lodging the youth, we were turning them loose. We would arrest them, bring them in, couldn't keep them, had to turn them loose. So detention facilities is a problem and is not only exasperated, by the surge. We have to have arraignments on a seven-day basis. Even then, I believe that some of those people who are detained have to be shipped off the reservation because the jail is just too full.

The CHAIRMAN. Mr. Jackley, you say you have a liaison for this reservation?

Mr. JACKLEY. That is correct.

The CHAIRMAN. And you have a lawyer coming to this reservation once a month?

Mr. JACKLEY. Correct, or a victim witness coordinator from our office.

The CHAIRMAN. Is that a national standard of some type, or is that your standard?

Mr. JACKLEY. All I can comment is that it is our standard. I require the lawyers to do that once a month and they have to report to the U.S. Attorney. So we keep track of that to make sure it happens. There are times when lawyers are in trial and we may miss an MDT meeting, but for the most part, that is done monthly. Because it has been a way we have been able to track sex abuse cases, particularly with children.

The CHAIRMAN. Does anyone know if there are similar circumstances with the North Dakota U.S. Attorney's office, a liaison and a once a month visit?

Mr. JACKLEY. I can tell you that each one of the four North Dakota reservations, in my discussions with Mr. Wrigley, have a tribal liaison.

The CHAIRMAN. Mr. Chairman, are you aware of any?

Mr. HIS HORSE IS THUNDER. I am not aware that they come on a monthly basis. Mr. Emory is probably much more aware of that than I am.

Mr. EMORY. Senators, respectfully, I have been working for the tribe here for more than two and a half years. And we have never

had a North Dakota Assistant U.S. Attorney come and meet with us.

The CHAIRMAN. Mr. Jackley, on this issue of declinations, let me read you something from a U.S. Attorney. "I know that the performance of my office will be compared to other U.S. Attorneys. My gun cases have to compete, my white collar crime cases have to compete. One criterion that is never on that list is Indian Country cases." Does that sound familiar to you?

Mr. JACKLEY. All I can say is I have, as United States Attorney, I have never been dissuaded from prosecuting in Indian Country. To the contrary. The director of EO USA has come to my district, to Pine Ridge, traveled there with me. We have never been penalized. In fact, when I made a request on behalf of our district because of the available funding for an additional Adam Walsh attorney, Adam Walsh of course deals with child pornography, but it also deals with Indian Country when it involves crimes involving young children, we received that additional position.

So all I can tell you, at least from my perspective, we have never been penalized for the work we do in Indian Country. In fact, we touted our numbers, 55 to 65 percent of our prosecutions occurred in Indian Country when we made application to receive that position. There were 43 positions and we did receive that position.

The CHAIRMAN. From what I know of your office, I think you are to be commended. If you are sending somebody here once a month, you have a liaison, and you are doing all those things, I think that is very important and I commend you for that. I do think that this is a disjointed system, as you know. We have multiple jurisdictions and we have had testimony before this Committee that at least in some areas of the Country, crime on Indian Country is the backwater in the U.S. Attorneys' offices and not high profile and not aggressively pursued.

I don't know what all the facts are here, but we have put together a law enforcement bill that Senator Thune is a part of, Senator Johnson, Senator Conrad. We have advanced a bill, and Mr. Ragsdale, you are most familiar with it. We need to find a way to fit this system together so that the prosecution of a rape, a murder, or violent crime, doesn't depend on where you live. It shouldn't matter whether you are in Bismarck or in Fort Yates. If that crime is committed and you are the victim, you ought to be able to expect that the perpetrator is going to be brought to justice. Unfortunately, I think there is a circumstance in this Country where many reservations are remote, they are in some cases hundreds of miles from the nearest U.S. Attorney.

And I do think we have a big difference in whether perpetrators of violent crimes are as aggressively pursued and prosecuted, just because the system doesn't work very well right now. It sounds to me like your U.S. Attorney's office pays a lot of attention to this, Mr. Jackley. I appreciate that. I think that is part of what our law enforcement initiative is about—to try to make sure that that happens all across the Country. We have been reading, as you know, things in the newspaper about the U.S. Justice Department that are not very pleasant to read, especially in the last month or two, of what has happened. And a portion of it, as I indicated, comes



from former U.S. Attorneys directly testify to this Committee about the lack of interest in prosecuting crimes on Indian Reservations.

So obviously that all needs to be fixed. It appears to me in your area it doesn't need to be fixed, because you are doing a good job.

Mr. Zuger, with the surge, my understanding also is that there are some difficulties in coordinating prosecutions with people coming in and out. I would understand that always to be the case, because you are assigning people on a temporary basis, Mr. Ragsdale. Describe that to me, Mr. Zuger.

Mr. ZUGER. Well, Mr. Chairman, quite frankly, the deterrence of a judicial system depends on the end result. And the fact is that we do not have a sufficient personnel really to prosecute these through. So a great many insufficient plea bargains end up having to be made, because there simply aren't the people.

I was looking at the calendar here for the next couple of weeks. I was asked by my some if I could come up to him and meet him at law school and attend the orientation. I took a look at the schedule. We have bench trials set at 15 and 20 minute intervals next week. Obviously these aren't going to be tried, and the only way that this can be done is to settle them up.

The biggest shortage, I mean, I am getting tired, personally, of working weekends. I will be 62 next month, I am getting pooped. But the biggest problem we have that Mike Swallow and Jim Seary don't have the manpower. I can handle a plea agreement pretty quick. But in order for that plea agreement to reflect reality, these gentlemen have to have the time to go through the file. And there is no shortcut for the lawyers.

We need an additional full-time attorney in the prosecutor's office and an additional full-time attorney in the public defender's office. We need it very badly. And my clerk staff is going to wear out as well. I have some really good people working for me. I will put them up against any State district clerk system in the State of North Dakota. But there are only so many hours in the day.

The CHAIRMAN. Mr. Ragsdale, I am going to ask Senator Thune to ask some questions in a moment, but you indicate that organized drug traffickers had moved off the reservation. Was the organized drug trafficking on the reservation a very significant problem when the surge began?

Mr. RAGSDALE. It is my understanding it was.

The CHAIRMAN. And what evidence exists that the organized drug trafficking has now moved off the reservation?

Mr. RAGSDALE. The only evidence, I am taking the word of the intelligence, the police officers that do that work and the outside Federal police officers.

The CHAIRMAN. Senator Thune?

Senator THUNE. Thank you, Mr. Chairman. And I want to thank you all for your insight and for your contributions. This has been, I think, at least by the numbers that you shared this morning, Mr. Ragsdale, a fairly effective strategy.

But I have a question for you that, based upon your experience with Dakota Peacekeeper, do you believe, and I don't know if you are familiar with what the call the broken windows theory, but it has been used fairly successfully in the inner city areas, it is community policing and has been very effective in some areas of the

Country where they have gotten some of these crime issues under control. Based on your experience with Operation Dakota Peacekeeper, do you think that that theory could be made effective on reservations?

Mr. RAGSDALE. Yes, I do. It works. But you have to have high quality police officers that are willing to work with the community constantly as well as investigate crimes. So it does work. It requires a certain amount of police officers, so you can tend to the broken windows. If all you're doing is responding to violent incidents all the time then you're not able to do the community policing. You do not make the contacts and the police just get completely worn out to the standpoint that in some instances they are seen as mercenaries and not the protectors of the community they serve. It absolutely works, though. I used it in my own community and it works here.

Senator THUNE. Do you think that in terms of, is the issue going to be the training component when it comes to law enforcement personnel? Is it a function of just having enough, and that being a funding issue, to where law enforcement officers can devote more time to some of the smaller type crimes so they are not just responding to violent crimes, and it can become this kind of influence in a community? So is it a funding issue? Is it a training issue? What can we do that would make this more effective?

Mr. RAGSDALE. Well, yes, the officers needs to be trained and I have full confidence in the training that most police officers get at State academies and our Federal academies. But they have to be the right kind, the right quality of officers. And I think in this regard our officers' quality and dedication in that regard is changing and getting better all the time.

Senator THUNE. I want to compliment Chairman His Horse is Thunder, too, for what I think has been his tremendous leadership role on law enforcement issues up here and making this whole thing work. What I would like to ask you, Mr. Ragsdale, too, is how important that buy-in is from the tribal leadership and communities in order to make an operation like this a success?

Mr. RAGSDALE. If the political leadership does not support law enforcement and the administration and the courts and corrections and the administration of justice, you have a flawed system. No doubt about it. The political system has to have integrity and it has to work to allow the public safety providers to do their job.

Senator THUNE. What is the estimated cost of this operation?

Mr. RAGSDALE. I originally estimated that it would cost approximately a million dollars for the period that we were here. I checked our financial accounting system and we have accrued costs up to about \$300,000 as I recall. With the details of the tribal police officers who come from independent police departments, we have not been invoiced for those services yet. It may be a million or under a million dollars.

Senator THUNE. And if you were going to implement this on a permanent basis, what would it cost annually, do you think? If we were going to increase the number of law enforcement people here on a level consistent with what we are seeing in terms of Operation Dakota Peacekeeper, do you have any kind of estimate of what it would take?

Mr. RAGSDALE. An estimate that you won't hold me to, but currently we have about \$1.2 million allocated for just the law enforcement function here at Standing Rock.

Senator THUNE. But that is current money?

Mr. RAGSDALE. That is current. We would have to triple, and if you take into account that we brought in permanent officers, equipment, your start-up costs would also have to be [indiscernible]. We would probably be talking about doubling or tripling the budget, the law enforcement budget. Just the law enforcement budget [indiscernible].

Senator THUNE. Just for Standing Rock?

Mr. RAGSDALE. Just for Standing Rock.

Senator THUNE. And what would you say is the biggest obstacle for this strategy being used on the reservations? Is it a resource issue?

Mr. RAGSDALE. It is a resource issue, not enough funding. The same tactic, we might be able to limp by in a limited way, what we are doing here is improvising because of lack of personnel and funding to support the levels that we would like to have for our Indian reservations throughout [indiscernible].

Senator THUNE. Mr. Jackley, what types of crimes have you been prosecuting since the surge began? Do you see any change from what you were doing previously?

Mr. JACKLEY. There hasn't been a significant change. What we see, particularly on Standing Rock, what we have seen are the aggravated sexual abuse type cases and the violent assaults. That seems to be, unfortunately, part of the standard. The testimony that you have heard regarding the drug dealers either slowing down or moving off is consistent with what we are finding so far. We had previous to the surge filed 45 joint State-Federal indictments on the drug dealers in the area. But at least at this time, we have not been referred a significant number of drug cases as a result of the surge.

Senator THUNE. How does that affect your resources in the U.S. Attorney's office? Has there been a strain on it because of this operation?

Mr. JACKLEY. There hasn't yet at this time. The reason I say that is as the cases begin to work themselves through the system, it will take a while before determinations are made as to which cases will go to Federal prosecution versus State prosecution. I like to say that the average Assistant United States Attorney, depending on the type of case, we should handle between 25 and 40 cases. So if you keep that in mind and you look at that with respect to the surge, if it only would bring five additional cases, which I think it is going to bring more than that, but assuming that number holds true and there are no additional cases, we can handle that type of a strain.

But in the event that the surge is to continue and bring in more cases, you have to keep in mind that my guys are already pushing the limits. And like I said, the average case load of a criminal AUSA, depending on the type of case, we are talking, violent crimes, about 25 to 40 cases.

Senator THUNE. Several references have been made to cross-utilization. Why is that not usable to sort of stretch or leverage the resources that are available in different levels of law enforcement?

Mr. JACKLEY. When I refer to cross-deputization, there are really three types of cross-deputization that can be applicable in this district. One type of cross-deputization is what we see in the Safe Trails drug task force, where certain officers, whether they be DCI agents or highway patrol, receive a Federal deputization associated with that task force. It is very limited to drug investigations. So it only applies to drugs.

The second type of cross-deputization would be like in reference to the surge where the county commission and the tribe and the BIA would come to some terms of an agreement whereby certain officers receive some cross-deputization and when it is placed on their officers, mainly when we are dealing with Indians and non-Indians.

The third type of cross-deputization would be the BIA's special law enforcement commission or the long-term cross-deputization. Three things have to essentially occur for the BIA special law enforcement commission. Number one, there needs to be a tribal resolution. Number two, there needs to be a memorandum of understanding between the agencies involved. And number three, the officers have to pass the course.

When you reference Standing Rock, what has occurred is, I have seen the tribal resolution, so there has been a tribal resolution passed. In June we gave the course where some officers were involved in that. But it has not been activated because there isn't a memorandum of understanding in place.

When you look at South Dakota, Rosebud has in effect BIA special law enforcement commissions of approximately 20 officers. Pine Ridge, Standing Rock and Sisseton have all passed authorizing resolutions. Many of their officers have passed the course, but it is at the stage of the memorandum of understanding.

Senator THUNE. Is that something, though, that would enhance the ability to, for law enforcement at more effective and lower cost?

Mr. JACKLEY. It acts as a force multiplier when you deal with Indians and non-Indians. So the answer to your question is yes, Senator.

Senator THUNE. And it sounds like most tribes in South Dakota have adopted that sort of a resolution.

Mr. JACKLEY. They have adopted the resolution with respect to tribal officers. I should maybe backtrack a second. When you talk about BIA special law enforcement commissions, it can deal with tribal officers and it can deal with local law enforcement, such as sheriffs and PDs, and it can deal with State law enforcement, such as DCI and highway patrol. The tribes such as Standing Rock have adopted resolutions with respect to tribal officers. So what that does is, for instance, the Standing Rock game warden, they are to have BIA special law enforcement cards, they can then make a Federal arrest of a non-Indian. Instead of before, they would simply have to hold the non-Indian until non-Indian law enforcement would come, and they wouldn't be authorized to make an arrest. So it is not a good utilization of resources, so to speak.

Mr. HIS HORSE IS THUNDER. Senator, that is what I was going to reference, that Standing Rock's resolution, tribal resolution is the only authorization for our game and fish officers to become cross-deputized. It does not authorize the cross-deputization for, say, non-Indian, non-State officers to make arrests on the reservation. Just for the Chairman's information, when yourself, Senator Thune, and Mr. Ragsdale and I were on the streets last month in McLaughlin and we stopped and we visited with city commissioners at the time, and I referenced the idea that Standing Rock was reluctant, our people were reluctant to sign cross-deputization with the county, Corson County, because of the attitude of the sheriff himself. The city commissioners, being non-Indians themselves, also were, they basically said, we agree with you that our sheriff, we as non-Indians have a problem with our own county sheriff, and so they understood the tribes' reluctance to enter into cross-deputization with the county sheriff's department.

Senator THUNE. Mr. Chairman, this is a question for you. Has the feedback from tribal members and people that you represent and serve been positive about all this? What has been the overall kind of reaction?

Mr. HIS HORSE IS THUNDER. Ninety-nine point nine percent of reactions to the surge have been positive. We have had a handful of people who said that they thought they were being harassed or didn't like it. But overwhelmingly, the response has been positive.

Senator THUNE. Has communication been good between BIA, the tribe, DOJ and all levels of law enforcement involved?

Mr. HIS HORSE IS THUNDER. The tribe has set aside, created a special position to handle the traffic communications between the BIA, between the courts, between the tribal detective services. So we have assured that communication has been good.

Senator THUNE. What was it that triggered you to go to Artman in the first place? Was it an event or incident that you said, we need some more people out here, you have to do something?

Mr. HIS HORSE IS THUNDER. I have consistently, over the last couple of years, at both the tribal budget advisory committee meetings as well as hearings, said that the law enforcement was sorely lacking on the reservation. But the incident that really triggered a more concerted effort was the death of one of our tribal members in the city of McLaughlin two months ago. It was the straw that broke the camel's back for me and I knew that something had to be done. So I made a series of phone calls that ended up with me calling Mr. Artman and he returned my phone call.

I think also that what led to the surge was not only that phone call or series of phone calls, but at the time, the day after the death, Senator Johnson's staff was in the city of McLaughlin, Ellie Wicks was there. So she heard first-hand of that death and brought it to the Senator's attention. I know that both the South Dakota and North Dakota delegation became involved in a very consistent way with the writing of a letter to the Department saying, you need to do something about this.

Senator THUNE. I know we heard a lot too, just in the visits up here, not only tribal members, non-tribal members. And I know that even back a year ago, this is something that was on your radar screen.

Mr. Chairman, thank you and I will hand it back to you.

The CHAIRMAN. Senator Thune, thank you very much.

I did not mention Rod Froelich, State Legislative Director of the district is here. Rod, will you stand up? I wanted to mention that you were with us. Thank you very much for being here.

We also have David Gipp here, who is the President of the United Tribes Technical College. After our program had been printed, he had called. They have some work going on that is very, very important at United Tribes. I am going to call on David to say a few words.

David, do you mind just standing? Your formal statement will be made part of our permanent record. Do you mind standing and summarizing in just a couple of minutes what you are here for?

**STATEMENT OF DAVID M. GIPP, PRESIDENT, UNITED TRIBES  
TECHNICAL COLLEGE**

Mr. GIPP. I would, Senator. Thank you very much, Mr. Chairman. I want to thank also Senator Thune for the opportunity to speak here today.

I will just take a few minutes. I do think that what I have to say is pertinent to the subject, and I want to thank and commend Chairman His Horse is Thunder and certainly the tribal councils and all the officials here that are working on the issues of law enforcement and the importance of maintaining law and order and bringing peace to our communities.

I know that is an issue, however, that bespeaks all of the northern tier of tribes, when I speak about that, and I refer to North Dakota, South Dakota, Nebraska, Montana, certainly Minnesota and Wyoming when I mention northern tier.

So what I speak about today, and I will try to do this in the next minute and a half, is to speak about a longer-range solution for providing law enforcement officers for tribal nations within the northern tier of Indian Country. We have had some recent success after nearly seven years of negotiation between the United Tribes Technical College, as you know, located in Bismarck, North Dakota, and the American Indian Higher Education Consortium, our association of tribal colleges, 37 in all, about the issue of law and order and training with the Bureau of Indian Affairs. We have been negotiating an MOU, or memorandum of understanding, for nearly seven years. It has been put on hold for various reasons on the other side of the government.

One of the things that did occur just before Mr. Artman's departure in the third week of May when he left was to sign that MOU. That MOU proposes a great deal of cooperation when we talk about the long-term solution of providing adequate and qualitative training for law enforcement officers that can serve our tribal communities. That really is the overall goal or objective of that MOU. And that was signed by Mr. Artman. We appreciate it. We have had some beginning discussions with the director of law enforcement about that issue.

And there are three major objectives or three major goals that this MOU begins to speak about. One is to increase the number of trained and certified law enforcement officers throughout Indian Country. Second, to increase the opportunities available for law en-

forcement in Indian Country. And third, to build and sustain the capacity of tribal colleges and universities to provide that law enforcement training that will meet the standards of the Bureau of Indian Affairs and the Department of Justice.

We mean no harm to take away, if you will, the will and power of the academy, the Artesia location. That is not what we are about. But even if Artesia were operating at maximum capacity and producing as many law enforcement officers as they could, basic law enforcement officers, that would be roughly 150, probably not more than 200. They don't meet the demand in terms of the vacancies and the turnover throughout Indian Country, throughout all of Indian Country. So we are not going to be taking away their power or their thunder, if you will. We will simply be adding.

What I have been hearing for the past ten years that I have attended inter-tribal meetings in North and South Dakota, the complete, utter demise of law and order throughout this region of Indian Country. That is simply what I hear tribal leaders constantly telling me, at nearly every meeting I have attended throughout the Aberdeen area or the Great Plains area.

So we hope that this MOU will begin to lay the first step for the programs that we offer in basic training. Our training program, offered for nearly 39 years at the United Tribes, is post-Board recognized by the State of North Dakota, by the Attorney General, for example. And we know that we provide the quality, we have offered our curriculum, we are increasing and redeveloping our curriculum so that it matches clearly up to what Artesia provides.

So that gets us to the objective of providing Artesia and having Artesia serve as a template, not only for us but for other tribal colleges who choose to offer law enforcement training, or for that matter, any tribe that may choose to do so. Or for that matter, even State academies. Using Artesia's program as a template, then the Bureau could help build capacity to provide law enforcement training at places like tribal colleges, most certainly United Tribes.

The Bureau of Indian Affairs may place one or more of their staff at our institution, and we are preparing to do so, adding to our faculty and then bringing their standards to our base of operations for training. And jointly work to coordinate the development of curriculum and training standards for law enforcement training. Jointly working to encourage youth to consider careers in law enforcement, something sorely lacking throughout Indian Country, throughout the Nation. And jointly developing partnerships between Federal, State and tribal law enforcement agencies to accomplish these objectives and last, jointly sharing information between agencies about these objectives.

So I would just comment about an MOU, and I want to thank you, Mr. Chairman, Senator Thune and other members of Congress, for urging the Bureau of Indian Affairs to sign this MOU after nearly seven years of basically having it set aside. It is the beginning, it is not the end, and it is hardly the beginning for what really needs to happen for the safety and security of all of our tribal citizenry, not only on Standing Rock, but throughout the Nation, and most certainly throughout this region.

I want to thank you, Mr. Chairman. I have attached certainly a copy of the MOU for your records, so that you may more closely

inspect that at your will. I also will leave you with a United Tribes newsletter. Thank you.

[The prepared statement of Mr. Gipp follows:]

PREPARED STATEMENT OF DAVID M. GIPP, PRESIDENT, UNITED TRIBES TECHNICAL COLLEGE

Chairman Dorgan and Vice-Chairman Murkowski:

Thank you for the opportunity to present brief testimony today in support of a continuation of provision of adequate law enforcement resources for the Standing Rock Sioux Tribe. As a citizen of the Tribe, and as President of United Tribes Technical College in Bismarck, of which Standing Rock is one of the managing tribes, I first want to thank Senator Dorgan for assisting in initiating the effort to improve law enforcement on the Standing Rock Reservation through Operation Dakota Peacekeeper.

My purpose in being here is to advocate for a longer range solution to the issues of providing law enforcement officers within the Tribal Nations in the Northern Tier of states in Indian country. Our Tribes need more than a new shift of 20 officers every 30 days as provided by Operation Dakota Peacekeeper. We truly need permanent resources to allow all the Tribal Nations in the Northern Tier of states to obtain a sufficient number qualified law enforcement officers to meet their needs, and we also need to be able to train those officers locally at Tribal colleges such as United Tribes Technical College in Bismarck and other nearby tribal colleges.

We have had some recent success in reaching agreement with the Bureau of Indian Affairs about law enforcement training opportunities that provide an alternative to the Artesia, New Mexico facility. In May, 2008, after seven years of negotiation, and at the direction of the Congress, UTTC was able to enter into a Memorandum of Understanding (MOU), as attached, between itself, the American Indian Higher Education Consortium (AIHEC) and the Bureau of Indian Affairs (BIA), which sets forth a mechanism for cooperation regarding the possibility of training BIA and tribal law enforcement personnel at the Tribal colleges, and particularly at United Tribes. The MOU was executed by then Assistant Secretary of Indian Affairs, Carl Artman, and we appreciate his efforts.

We are encouraged by this development, and have learned that the BIA may already be planning on acting on this MOU by placing a high level BIA official at UTTC in the coming weeks. Nevertheless, we do request your assistance, as Chair and Vice-Chair of the Committee on Indian Affairs to make sure the BIA follows through with the efforts outlined in the MOU. We believe local training is one critical component that will, with adequate resources, make Operation Dakota Peacekeeper a permanent success.

The purpose of the MOU is to establish a partnership between AIHEC, the BIA and UTTC to provide specialized training for law enforcement officials who serve on Indian reservations.

The MOU assists the BIA in fulfilling its mandate under Executive Order 13270 regarding Tribal colleges and universities and promotes cooperation among the parties.

The Northern Tier is where some two-thirds of the Indian Law Enforcement Officers are located. The principal goals of the MOU are to address the needs of the Northern Tier of Indian Country:

- Increase the number of trained and certified law enforcement officers in Indian Country;
- Increase the opportunities available for law enforcement training in Indian Country; and
- Build and sustain the capacity of Tribal colleges and universities to provide law enforcement training that will meet the standards of the BIA.

All of the joint projects to accomplish the above goals contemplated by the MOU are not binding on the BIA. To get these projects going will require the support of the leadership of all of Great Plains tribes. Some of the specific activities contemplated by the MOU include:

- Using Artesia's program as a the template, the BIA may develop United Tribes's training facilities and already accredited curriculum to help provide a pilot training program for law enforcement officers that will meet or exceed BIA standards for law enforcement training. Similarly, there can be mutual recognition of accredited colleges such as United Tribes and the BIA Training Academy.



- Using Artesia's program as the template, the BIA may help build capacity to provide law enforcement training at tribal colleges.
- The BIA may place one or more BIA law enforcement officials at one or more college sites to act as trainers or provide the mutual recognition of qualified instructors from the colleges.
- Jointly work to coordinate the development of curriculum and training standards for law enforcement training.
- Jointly work to encourage youth to consider careers in law enforcement.
- Jointly develop partnerships between state, federal and tribal law enforcement agencies necessary to accomplish the objectives.
- Jointly share information between agencies to accomplish the objectives.

The MOU is a good start, but the Tribal colleges also know that the support of tribal leadership in this effort is critical. Thank you for your consideration of this very important MOU. I look forward to working with you further on this issue in the coming weeks, and look forward to helping in any way possible to help make permanent the provision of officers under Operation Dakota Peacekeeper and to help make your recently introduced legislation, the Tribal Law and Order Act of 2008, (S. 3320) a reality.

## Attachment

**MEMORANDUM OF UNDERSTANDING  
BETWEEN  
UNITED STATES BUREAU OF INDIAN AFFAIRS,  
THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM,  
AND  
UNITED TRIBES TECHNICAL COLLEGE**

**I. PARTIES**

The Bureau of Indian Affairs (BIA), an agency of the United States Department of Interior, United Tribes Technical College (UTTC) and the American Indian Higher Education Consortium (AIHEC), hereinafter referred to as "Party" or "Parties," enter into this Memorandum of Understanding (MOU). For the purposes of this MOU, AIHEC represents Tribal Colleges and Universities cited in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note), any other institution that qualifies for funding under the Tribally Controlled Community College Assistance Act of 1978, Public Law 95-471 (25 U.S.C. 1801 et seq. and 25 U.S.C. 640a note).

**II. PURPOSE**

This MOU establishes a partnership between the Parties to assist the BIA in fulfilling its mandate to provide specialized training for those law enforcement officials who serve on American Indian reservations and to assist the BIA in fulfilling its mandate under Executive Order 13270 to, among other things, "encourage tribal colleges to participate in Federal programs." This MOU also serves to promote increased cooperation among the Parties in all areas of mutual interest.

This MOU establishes a cooperative framework through which the BIA will enhance the capacity of Tribal Colleges and Universities to provide job training and other career building programs to American Indians in communities that continue to suffer high rates of unemployment and the resulting social and economic distress.

The Parties will focus on strengthening the capacities of UTTC and other AIHEC member institutions to assist the BIA in addressing the substantial need for additional law enforcement officers, including correctional officials, to serve on the Indian reservations throughout Indian Country, including the northern Great Plains, Great Plains, Rocky Mountain, and Great Lakes Regions of the BIA.

Through the BIA's existing Indian Police Academy (BIA IPA) in Artesia, New Mexico, laudable law enforcement training has been and will continue to be conducted. However, a significant unmet need for law enforcement officers

exists due to the large geographic size and number of the Indian reservations and the growing rate of domestic violence, gang activity, and the proliferation of such drugs as methamphetamine within the Indian reservations in the northern Great Plains, Great Plains, Rocky Mountain, and Great Lakes Regions.

This MOU is not intended to, and does not, limit any law enforcement training activities and responsibilities of the BIA IPA, nor does it create any right, benefit, or trust responsibility, substantive or procedural, enforceable by law or equity, by AIHEC, UTTC, or any other party against the Department of the Interior, its agencies, its officers, or any person.

### **III. OBJECTIVES**

The objectives of the program are to:

- a. Coordinate with and strengthen ongoing law enforcement training activities conducted by the BIA's Indian Police Academy in Artesia, New Mexico.
- b. Increase the number of locally available training opportunities for American Indians interested in pursuing law enforcement and correctional careers.
- c. Increase the opportunity for accessible and cost effective continuing education and in-service training opportunities, both through locally available onsite training and online training, for existing American Indian law enforcement and correctional personnel.
- d. Increase the number of fully trained and licensed law enforcement officers and correctional officers serving on American Indian reservations throughout all regions of Indian Country.
- e. Building on accredited Associate of Applied Science degree programs in Criminal Justice at Tribal Colleges and Universities (TCUs), strengthen and sustain the capacity of TCUs to provide vitally needed, specialized, and regionally-based training for those law enforcement officers who serve on Indian reservations, including correctional personnel.

In fulfillment of these objectives, efforts will be made to:

- a. Share information, training resources, and expertise to the maximum extent possible to ensure maximum return on investment for all Parties.
- b. Establish partnerships, as appropriate, with state, federal and local law enforcement agencies, necessary to enable all Parties to conduct the activities set forth in this MOU.

- c. Establish and implement the pilot activities, programs, and plans set forth in this MOU.
- d. Work collectively to ensure the active participation by Tribal Colleges and Universities in BIA programs and planning activities, and in particular, in the BIA's law enforcement and correctional training programs.

**IV. RESPONSIBILITIES**

The parties will work together to identify activities and initiatives of mutual benefit and will participate in, and be responsible for, activities as follows:

**BIA may:**

- a. Broaden outreach to Tribal Colleges and Universities to increase their access to, and participation in, BIA programs and services, and in particular, in the BIA's law enforcement and correctional training programs.
- b. Devote sufficient personnel to carry out the objectives and responsibilities set forth in this MOU.
- c. Develop and implement regionally-based TCU training sites for BIA law enforcement and correctional officers, beginning in the first year of this MOU with a pilot program at UTTC, which may include a regionally-based law enforcement training program for new recruits and a recertification and in-service program for existing BIA law enforcement and correctional officers.
- d. Place one or more BIA law enforcement officers (to be known as "Regional TCU-BIA Law Enforcement Liaison Officers") at UTTC and, as resources permit, at other geographically diverse TCUs to serve as trainers, including as recertification training providers for BIA law enforcement and correctional officers, adjunct faculty for TCU-based criminal justice programs, regional resources for BIA law enforcement officers on Indian reservations, and, as appropriate, local resources for the Department of Homeland Security.
- e. Oversee the coordination of BIA IPA, UTTC, and other AIHEC member institutions offering law enforcement programs in the development of online and onsite curriculum, curriculum and training standards, and training modules that are necessary components of a program leading to the licensing of BIA law enforcement and correctional officers.

- f. Encourage and facilitate articulation agreements among and between the BIA IPA, UTTC, and other AIHEC member institutions offering existing criminal justice and other relevant accredited degree programs to ensure that BIA law enforcement and correctional officers may receive college credit for relevant course work completed at a TCU.
- g. Encourage and facilitate communication and agreements among BIA IPA, UTTC, and other AIHEC member institutions to ensure that, to the maximum extent possible, law enforcement and correctional training resources and expertise are shared.
- h. Work with AIHEC and its member institutions to develop a plan for encouraging American Indian youth to pursue careers in law enforcement and corrections, including through the potential establishment of one or more American Indian youth law enforcement training academies, which shall first include a pilot program, and the implementation of other community-based outreach strategies.

**UTTC may:**

- a. Devote sufficient personnel to carry out the objectives and responsibilities set forth in this MOU.
- b. Work with the Parties and BIA IPA to develop and implement a regionally-based TCU Training Pilot Program for BIA law enforcement and correctional officers. Subject to the availability of funding, such pilot program may include a regionally-based law enforcement training program for new recruits and a recertification and in-service training program for existing BIA law enforcement and correctional officers.
- c. Host one or more BIA law enforcement officers (to be known as “Regional TCU-BIA Law Enforcement Liaison Officers”) at UTTC to serve as trainers, including as recertification training providers for BIA law enforcement and correctional officers, adjunct faculty for UTTC’s criminal justice programs, regional resources for BIA law enforcement officers on Indian reservations, and, as appropriate, local resources for the Department of Homeland Security.
- d. Work with the Parties and BIA IPA to develop online and onsite curriculum, curriculum and training standards, and training modules that are necessary components of a program leading to the licensing of BIA law enforcement and correctional officers.
- e. Work with BIA IPA to develop and implement a model articulation agreement to ensure college credit for relevant course work completed by BIA law enforcement and correctional officers.

- f. Work with BIA IPA to ensure that, to the maximum extent possible, law enforcement and correctional training resources and expertise are shared.
- g. Serve as a pilot site for an American Indian youth law enforcement training academy, provided sufficient funding is identified and made available.

**AIHEC may:**

- a. Devote sufficient personnel to carry out the objectives and responsibilities set forth in this MOU.
- b. Assist the BIA in broadening its outreach to Tribal Colleges and Universities to increase TCU access to, and participation in, BIA programs and services, and in particular, in the BIA's law enforcement and correctional training programs.
- c. Work with the Parties and BIA IPA to develop and implement a regionally-based TCU Training Pilot Program for BIA law enforcement and correctional officers and develop a plan, including cost analysis and funding scenarios, for expanding the pilot to other TCUs.
- d. Work cooperatively with the BIA to identify and secure the resources necessary to carry out the objectives of this MOU.
- e. Facilitate and coordinate TCUs efforts, as necessary, in the development of online and onsite curriculum, curriculum and training standards, and training modules that are necessary components of a program leading to the licensing of BIA law enforcement and correctional officers.
- f. Disseminate information and model articulation agreements for the provision of college credit for relevant course work completed by BIA law enforcement and correctional officers at TCUs.
- g. Encourage and facilitate communication and agreements among BIA IPA and the TCUs to ensure that, to the maximum extent possible, law enforcement and correctional training resources and expertise are shared.
- h. Work with the BIA to develop a plan for encouraging American Indian youth to pursue careers in law enforcement and corrections, including through the potential establishment of one or more American Indian youth law enforcement training academies and the implementation of other community-based outreach strategies.

**AMENDMENT AND TERMINATION**

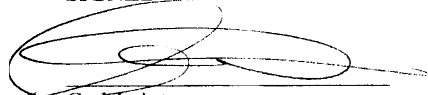
This MOU takes effect upon the signature of the BIA, AIHEC, and UTTC and shall remain in effect for five (4) years from the date of execution. The MOU

may be extended or amended upon written request of any of the Parties and the subsequent written concurrence of the other Parties. Either BIA, acting individually, or UTTC and AIHEC, acting jointly, may terminate this MOU with 60-day written notice to the other Parties.

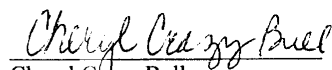
**AUTHORITY**

Executive Order 13270 (Executive Order on Tribal Colleges and Universities),  
July 3, 2002.

**SIGNED**



Carl J. Artman  
Assistant Secretary for Indian Affairs  
U.S. Department of the Interior



Cheryl Crazy Bull  
Chair, Board of Directors  
American Indian Higher Education  
Consortium



David M. Gipp  
President  
United Tribes Technical College

The CHAIRMAN. Mr. Gipp, thank you very much. We will include all that as a part of our permanent record.

Let me ask you to keep in touch with our Committee about the MOU. I am very interested in it, and I assume Senator Thune and other colleagues on the Committee would be as well. So if you will keep in touch with us, I would appreciate that very much.

Let me thank the Chairman for your hospitality and for your leadership. Mr. Ragsdale, thank you for being here. You have always been willing to come to hearings and speak and testify and answer questions. We appreciate that. The work you have done to construct the surge is good work. I think we should say thank you to all the officers out there, some of whom have traveled on weekends and back and forth in order to be here.

I think it is the case that we need far more resources to do this. And this is one reservation, but frankly, we could be having this hearing on any number of reservations across the Country, some with higher crime rates, frankly. We just need to do a lot more, through the executive budget in Congress.

Mr. Jackley, we thank you for your work. It appears to me that you are sending people here once a month as liaison, and so on, and it appears to me you are taking seriously your responsibility. It is a very important responsibility that U.S. Attorneys have, to prosecute violent crime.

Mr. Zuger is limited with respect to the sentences he can administer as a Federal court judge. And Mr. Zuger, you say you are

working very hard, well, don't you quit. I know your caseload is very substantial, especially now with this surge. We appreciate your work.

Senator Thune, thank you for joining us today. We appreciate your work. Senator Thune is not on this Committee, but he had requested to sit in on a hearing in Washington on this subject, and I was happy to have him do that. And I welcome him today to our Committee. I appreciate his work.

We also acknowledge the work of Senator Conrad and Senator Johnson, who are members of the Committee, and our other colleagues who play a vital role in trying to address these issues.

One of the purposes of this is to shine a spotlight on what has happened here with respect to the surge, the tribal surge. It is just because at some point, something had to happen. Well, something good is happening. Let's make sure that it is not temporary. People's safety and security is critically important. That ought not be a function of where you live. When you live in this Country, you ought to feel like you are living in a circumstance where there is adequate law enforcement.

Mr. Ragsdale, did you want to say one thing?

Mr. RAGSDALE. Yes. Mr. Chairman, I want to acknowledge, I noticed the mayor of McLaughlin came in when we started. I wanted to acknowledge his support. In particular, he has allowed us to put our command post on his property, with no charge, other than to pay for our utilities. I appreciate his support for our operation.

The CHAIRMAN. Would you identify yourself for the record?

Mr. SCHOTT. I am Arnold Schott.

The CHAIRMAN. Mr. Schott, thank you very much for your cooperation. We appreciate very much your being here.

Mr. Schott. We have a few concerns, also we need more help and we need lots of prayer. We need to pick up the teenagers. Last night I went out at 2:30, like I told Mr. Ragsdale, I got up at 2:30 and there were three 11 and 12 year olds, they had no clue where they were, what they were doing, 2:30 in the morning. They were just completely out of it. And I asked them questions and they had no idea. They had no idea what was going on.

We have to work on the drugs and we have to work on the parents. The parents have to be responsible for these little teenagers. We are not going to have any people left, no generation left if this continues. I am concerned. I want to get things changed. Thank you very much.

The CHAIRMAN. Mr. Mayor, thank you very much. You raised the important question of parenting. Parenting and responsibility. It is at the root of all of this. I appreciate very much your cooperation and I appreciate your passion. Your passion is joined by those of us who serve in the Congress to try to make something good happen here.

So let me thank all of you for being here. This hearing is adjourned.

[Whereupon, at 11:15 a.m., the hearing was adjourned.]