

S. HRG. 111-596

**EXAMINING BUREAU OF INDIAN AFFAIRS AND
TRIBAL POLICE RECRUITMENT, TRAINING,
HIRING, AND RETENTION**

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS

UNITED STATES SENATE

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

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**EXAMINING BUREAU OF INDIAN AFFAIRS
AND TRIBAL POLICE RECRUITMENT,
TRAINING, HIRING, AND RETENTION**

THURSDAY, MARCH 18, 2010

U.S. SENATE,
COMMITTEE ON INDIAN AFFAIRS,
Washington, DC.

The Committee met, pursuant to notice, at 2:55 p.m. in room 628, Dirksen Senate Office Building, Hon. Tim Johnson presiding.

**OPENING STATEMENT OF HON. TIM JOHNSON,
U.S. SENATOR FROM SOUTH DAKOTA**

Senator JOHNSON. Welcome to the first panel, Wizipan Garriott, Policy Advisor to the Assistant Secretary for Indian Affairs, Department of Interior; and Mr. Joseph Wright, Deputy Assistant Director, Federal Law Enforcement Training Center, Department of Homeland Security.

The Committee meets today to examine the hiring and training practices for tribal and Bureau of Indian Affairs police officers. Over the past two years, this Committee's oversight hearings have confirmed that many Indian reservations are suffering long-standing crises of violence.

One of the primary reasons this violence continues is because of the lack of police officers to stop it. According to the BIA, less than 3,000 officers patrol more than 56 million acres of Indian lands. According to the BIA, we need an additional 2,800 officers just to meet the average staffing levels of comparable non-Indian communities.

In the Great Plains region, we have large Indian reservations with populations spread across vast areas of land. For instance in South Dakota, the Cheyenne River Indian Reservation is roughly the size of Connecticut. On the Pine Ridge Indian Reservation from the tribal casino on the west end to the community of Wanblee on the east end is 120 miles. These vast distances often take their toll on officers and equipment.

This Committee has been dedicated to establishing a record of violence and a substantial need for more funding for police in Indian Country. As a result of our work over the past four years, Congress has appropriated \$990 million to the Bureau of Indian Affairs for law enforcement services. However, these substantial funding increases have not translated into more police on the streets of Indian Country.

As we will hear today, there are a number of reasons for the difficulty in recruiting and retaining new officers. One primary reason for the difficulty is the limited number of training locations for new officers. Over the past two decades, the BIA has required every new police officer to receive training at the Indian Police Academy.

Last month, the Bureau of Indian Affairs submitted a report titled Protecting Indian Country. The report makes a number of recommendations. I want to thank the Bureau, with support from the Department of Homeland Security's Federal Law Enforcement Training Center, for preparing this report. And I will look forward to further explanation of the proposals.

I am committed to working with my colleagues on this Committee and other Committees to reverse these trends that we are seeing in our Indian communities.

I want to thank all of the witnesses for traveling here today. Chief Gaikowski from Sisseton Wahpeton in South Dakota is here today. He is very well respected by the law enforcement community in my home State and I am honored to have him here.

Wizipan Garriott is also from South Dakota and he is here today representing the Bureau of Indian Affairs. Welcome, Wizipan.

Please begin with your testimony. We ask that you summarize your testimony to keep it under five minutes. You can submit your full statement for the record.

Senator Tester?

**STATEMENT OF HON. JON TESTER,
U.S. SENATOR FROM MONTANA**

Senator TESTER. I want to thank you for holding the hearing. I want to thank the witnesses for being here. This is important. Public safety is very important. As we talk about unemployment and lack of economic improvement in Indian Country, safety has to be our first priority or it is never going to happen as far as, you know, addressing the 20 percent to 80 percent unemployment in Indian Country.

We are hearing statistics. We are hearing stories. As the Chairman pointed out, we put \$990 million out. I would like to know how many police that has resulted in over the last few years. If you can address that in your opening statements, I would appreciate it.

Nine hundred ninety million dollars is a good sum of money. It should have made a difference. I don't know that it has, and I don't want to throw good money after bad. If it hasn't worked up until now, then maybe we need to go a different direction. And I would look forward to that suggestion, too, as we move forward.

You know, I mean, conditions are tough out there. We have had many, many hearings in this Committee about public safety and the crime rate and what is going on in Indian Country. All of it is very distressing.

But I particularly want to hear from the Administration witnesses about your plan for making things better. Not what you have tried to do. Not what you would like to do. Not what you would do in a perfect world, but exactly what you are going to do to improve the situation. It is critically important. If you don't have a clear vision and a clear plan, we are never going to be able to

address the situation. It is a difficult situation and it needs to be addressed.

And like I said, if we are going to have quality of life improve in Indian Country, it has to be addressed. So I want to know exactly what you plan on doing so we can either support it or head it in a different direction, depending on what this Committee wants to do.

I want to thank you for being here. I very much appreciate your expertise and I look forward to your testimony.

Senator JOHNSON. Does Senator Franken have any statement?

**STATEMENT OF HON. AL FRANKEN,
U.S. SENATOR FROM MINNESOTA**

Senator FRANKEN. Yes, I do. Thank you, Mr. Chairman.

Thank you for holding this hearing on this important issue of recruitment and training and retention of law enforcement officers in Indian Country.

I want to thank our witnesses.

Crime on Indian reservations is an enormous problem in so many States, certainly in Minnesota. For example, on the Red Lake Reservation, which I recently visited, the crime rate is eight times higher than the national rate.

There are so many different reasons for this, but one is the simple lack of police officers at Red Lake and in Indian Country. To obtain minimal officer safety standards as determined by the BIA, Red Lake would need a minimum of 32 officers. However, currently they have 15, less than half of what they need. And the BIA's minimum standard is set by the standard you would put per person, but if you think about the crime rate being that much higher, you would actually want a much higher population of police.

So they are incredibly understaffed. And there are multiple reasons for the shortage. The basic one is lack of funding to hire more officers, and the responsibility for providing that funding falls on the Federal Government. I would completely identify myself with Senator Tester's remarks, which is we want to make sure that we have a plan, a clear vision on how to spend that money. So, but we are failing Red Lake and we are failing so many of the other tribes in Minnesota and across the Country.

Lack of good crime data in Indian Country is really another huge challenge. It is something that we are just beginning to address in Minnesota with a program called I-CARE, which would have the reservation sharing data, which they haven't been doing. And in many ways, it makes it harder to track down criminals who go from one reservation to another or go from the reservations to the Twin Cities or elsewhere.

So, and this is getting the cooperation of the tribes in Minnesota and I think it is a great model. It is called I-CARE. I would love for you to look into it.

Minnesota also has the unique challenge of being a Public Law 280 State, which means that the Federal Government has delegated jurisdiction over tribal law enforcement to the State for most of the tribes. And this just creates a lot of challenges for police departments on reservations across the State.

Anyway, the bottom line is we have to figure out how to reduce crime in Indian Country, and this has to include more, more and more effective officers working in Indian Country, and providing them with good training and giving them incentives to stay, and an opportunity for advancement, and just a chance at upward mobility in order to keep them there.

So I am looking forward to hearing your testimony and for us delving into these issues today. I have read your testimony and I want to thank you for it.

Thank you, Mr. Chairman.

Senator JOHNSON. Thank you.

Mr. Garriott?

STATEMENT OF WIZIPAN GARRIOTT, POLICY ADVISOR TO THE ASSISTANT SECRETARY FOR INDIAN AFFAIRS, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY JASON THOMPSON, ACTING DEPUTY BUREAU DIRECTOR, BUREAU OF INDIAN AFFAIRS, OFFICE OF JUSTICE SERVICES

Mr. GARRIOTT. Thank you, Mr. Chairman. It is always good to see a fellow South Dakotan.

Members of the Committee, my name is Wizi Garriott. I am the Policy Advisor for the Assistant for Indian Affairs, and I am joined today by Mr. Jason Thompson, who is the current Acting Director for the Office of Justice Services at the BIA.

I want to thank the Committee for making Indian law enforcement an priority. The Assistant Secretary and the Administration share the Committee's commitment to making Indian Country safer. We have taken a number of significant steps forward to address the public safety crisis throughout Indian Country, specifically in the area of law enforcement personnel.

President Obama and Secretary Salazar heard first-hand that public safety is a tribal priority at the 2009 Tribal Nations Listening Conference. The President stated his support for the Tribal Law and Order Act and I want to again express our strong support for passage of this critical legislation.

Overall, Indian Affairs is taking a four-pronged approach to protecting Indian Country and we are focusing on prevention, improving policing operations, tribal courts, and detention.

Our first and most urgent priority in this endeavor is increasing the number of officers on the ground. And I am pleased today to provide an update on those efforts. As of October 22, 2009, the BIA had 243 sworn law enforcement staff and 191 funded vacancies throughout Indian Country.

BIA has recently implemented an aggressive recruitment initiative and we are working diligently to fill these positions, and we are pleased to report that since December 1st, OJS has received 2,692 police officer applications, which far exceeds our initial expectations. I want to emphasize that by comparison, during the months of October and November, we only received 10 applications.

We are also utilizing the best recruitment strategies. We are working to get the word out on the Web, working with colleges and universities and using all other available media. We are also work-

ing to establish a position within OJS for someone to focus solely on law enforcement recruitment.

Our aggressive recruiting has translated into results. To date, we have made 65 police officer offers to 65 police officer applicants, and we are pleased to announce that 51 have accepted positions. These hard to fill locations with the greatest need will receive priority placement, and additional selections are in the pipeline.

One obstacle in the hiring process is that the background process is too lengthy. By conducting preliminary investigations internally, we hope to address this problem and to speed up the process.

Retention has been another issue. We found that we were losing some of our BIA police officers to other jurisdictions because we cannot compete salary wise, and we are instituting a review of all OJS salaried positions to ensure parity with other law enforcement agencies throughout the Federal Government.

Additionally, we are planning to aggressively use recruitment incentives such as paying relocation costs, awarding recruitment bonuses, paying student loans. And we are also planning to utilize service agreements under which an employee agreeing to serve in a hard to fill position for a certain period of time receives priority placement into a position of his or her choice after the service agreement has expired.

We are also working aggressively to improve our training. We are addressing the high attrition rates at the Academy through a number of initiatives. I would be happy to talk about those later.

Finally, we are working to establish a Bridge Program at United Tribes Technical College. And we feel that this Bridge Program will greatly increase the number of law enforcement applicants from colleges and from State agencies.

We are taking an honest assessment of our services in Indian Country and we are looking at what has worked in the past and what has not worked. Our Indian Country law enforcement personnel are talented and dedicated men and women, and we are committed to providing them the tools necessary to do their job.

Mr. Chairman and the Committee, I would be happy to answer any questions you may have.

[The prepared statement of Mr. Garriott follows:]

PREPARED STATEMENT OF WIZIPAN GARRIOTT, POLICY ADVISOR TO THE ASSISTANT SECRETARY FOR INDIAN AFFAIRS, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon Chairman Dorgan, Vice Chairman Barrasso, and members of the Committee. Thank you for inviting the Department of the Interior (Department) to provide testimony before this Committee on the topic of Bureau of Indian Affairs (BIA) and recruitment, hiring, training and retention of law enforcement officers in Indian Country. My name is Wizipan Garriott, and I am an enrolled member of the Rosebud Sioux Tribe. I currently serve as the Policy Advisor to Assistant Secretary for Indian Affairs, Larry Echo Hawk, at the Department.

President Obama has made addressing public safety in tribal communities a top priority for his Administration. This priority is shared by Secretary Ken Salazar, Assistant Secretary Larry Echo Hawk, tribal leaders and many members of this Committee. The Administration strongly supports the Tribal Law and Order Act, S. 797 as amended. I want to acknowledge Chairman Dorgan's leadership on this issue, and this Committee's efforts to improve public safety in Indian Country.

In addressing the need for additional public safety resources, the Department understands increasing the number of law enforcement officers in Indian Country will require enhancing our recruitment, hiring, training, and retention efforts. In addi-

tion to those efforts, it requires increased coordination with the Department of Justice.

BIA recently made several recommendations in its February 3, 2010 report, "Protecting Indian Country" which identifies methods for improving our law enforcement and corrections operations. The Department also recognizes the need for continued consultation with tribal leaders on a government-to-government basis. At the White House Tribal Nations Conference held at the Department on November 5, 2009, many tribal leaders raised concerns about public safety and law enforcement issues in Indian Country. We are pleased to provide this Committee and its members an overview of our efforts at BIA to recruit, hire, train and retain law enforcement personnel in Indian Country.

As discussed below, in the last eight months BIA has taken a number of significant steps toward addressing the public safety crisis throughout Indian country. These efforts include:

- Developing a national recruitment strategy targeted towards staffing historically hard-to-fill duty locations for Law Enforcement and Corrections Officers for the Office of Justice Services.
- Implementing an aggressive Nation-wide initiative increasing the number of applicants from 10 in the months of October and November 2009, to 1,454 from December 2009 to mid-January 2010. These increased numbers led to the employment of 51 new Law Enforcement Officers within the first 60 days, compared to the employment of only 2 new officers in the year prior to October 2009. New hires are all from outside of the BIA. The BIA is streamlining the hiring process by implementing preliminary background investigations to reduce lag time between hiring and entry into the training pipeline.
- Developing a Federal Law enforcement Bridge Training Program. The Bridge Program increases the recruitment pool by allowing State and Local certified Officers from 1 of the 22 states recognized by the Indian Police Academy to complete the Bridge Program and achieve Federal certification without attending a full Basic Police Officer Training Academy.
- Piloting a Land Management Training Program into FLETC Artesia to increase the number of available Tribal and BIA Law Enforcement training cycles from 3 to 14. This increase in training cycles aims to enhance cadet mentoring and reduce attrition by lowering class size from 48 to 24.

Deployment of Federal Resources to Address Public Safety in Indian Country

As Assistant Secretary Larry Echo Hawk stated in his testimony before this Committee last month, the President's FY 2011 budget request proposes for BIA an additional \$20 million in public safety funding over the FY 2010 enacted level. This additional funding will support the Department's "Protecting Indian Country" initiative. Specifically, \$19 million will be provided via reimbursement by BIA to DOJ to fund additional FBI agents. The FBI has primary jurisdiction over major crimes on more than 200 reservations with approximately 105 agents available to investigate crimes that occur in Indian Country. The reimbursable funding provided to the FBI will add 45 agents as well as other personnel, assuring that the resources will be spent in Indian Country and focused on high-priority areas like drug trafficking and related violence. The Budget also proposes an increase of \$1 million for detention center operations and maintenance for new facilities built with DOJ grants.

In addition, Associate Attorney General Tom Perrelli testified before this Committee last month that the President's FY 2011 budget proposes for the Department of Justice a 7 percent set-aside—\$42 million—from the COPS Hiring Program to support the hiring of tribal law enforcement personnel, an additional 7 percent set-aside—\$139.5 million—from DOJ's Office of Justice Programs for Indian Country efforts, and statutory set-asides totaling \$42.9 million for certain Office on Violence Against Women programs. These set-asides, combined with other DOJ programs designed exclusively for tribal communities provide \$255.6 million for DOJ grant programs in Indian Country that will support the agencies' joint effort to improve public safety in Indian Country.

Bureau of Indian Affairs, Office of Justice Services Programs

The Office of Justice Services (BIA-OJS) supports 191 law enforcement programs, including 40 BIA-operated and 151 tribally-operated programs. Seventy-nine percent of the total BIA-OJS programs are under contract to Tribes as authorized under Public Law 93-638, as amended, or compacted to Tribes as authorized under Title IV of the Indian Self Determination and Education Assistance Act, as amended.

Many Tribes supplement BIA funding with money from their treasuries, grants from DOJ, or other sources.

As of October 22, 2009, BIA had 243 sworn law enforcement staff and 191 funded vacancies, for a total of 434 sworn law enforcement positions within the six law enforcement districts. As of November 10, 2009, tribal law enforcement programs employed 2,754 sworn law enforcement officers and had 80 funded vacancies, for a total of 2,834 sworn law enforcement positions. This brings the total number of currently funded sworn law enforcement positions for Indian Country to 3,268.

Based upon FY 2010 funding allocations, the current BIA staffing levels for sworn personnel providing direct services within the six BIA Districts are estimated at approximately 1.08 officers per 1,000 residents. Utilizing the Tribes current sworn personnel staffing levels, tribal law enforcement are estimated at approximately 2.16 officers per 1,000 residents. Combining the current funded BIA and Tribal forces, the total ratio for Indian Country law enforcement (BIA and Tribal) based upon their reported service population is approximately 1.91 officers per 1,000 residents. Thus, all of these staffing ratios are below the comparable national average of 3.5 officers per 1,000 residents.

Recruitment

Historically, BIA-OJS has not advertised job vacancies outside of agency locations. The BIA-OJS recently implemented an aggressive recruitment initiative to fill funded vacant law enforcement positions. We have extended our recruitment efforts beyond local agencies and on USAJOBS, the Federal government's official job list. This aggressive effort has produced some great results. Since December 1, 2009, BIA-OJS has received 1,454 police officer applications, exceeding initial recruiting expectations. The initiative will be an ongoing endeavor to attract the best qualified candidates for Indian Country law enforcement positions. This effort will utilize the Internet, police periodicals, billboards, recruiting fairs at high schools and colleges, National/Local Police Organization web sites, employment agencies, tribal newspapers, websites, and organizations, and other advertising and best recruitment strategies. BIA-OJS is working with our Human Resources Office to finalize a position within OJS that will focus solely on recruitment and related activities.

One recruitment obstacle that cannot be overcome by advertising is that OJS cannot hire a law enforcement officer who is over the age of 37 without a waiver. Requests for waivers to this requirement are submitted on a case-by-case basis, which is time consuming and inefficient. To address this problem we are exploring options to receive blanket waiver authority and will pursue this process, so that we will have a larger applicant pool, particularly of experienced officers, to draw from.

We have also begun developing partnerships with various military branches as a source for law enforcement recruits. For example, the U.S. Army Reserve Employer Partnership Initiative is an innovative human capital strategy under which the Army Reserve collaborates with business and government leaders to ensure reserve soldiers have civilian employment when not on reserve duty. This initiative is mutually advantageous: employers and the Army Reserve both employ a highly capable soldier-employee who is trained, knowledgeable, and experienced in the various facets of public safety and law enforcement. We believe this effort would provide BIA access to a 202,000 veteran recruitment pool. BIA is also seeking out other partnerships with other branches of the Military.

Hiring

BIA recently extended offers to 65 police officer applicants, of which 51 applicants have accepted. These new officers will be placed in high-priority areas. We are in the process of filling the remaining funded vacant positions. OJS will continue to work diligently to fill these positions.

BIA OJS is taking steps to minimize the delay and disruption of the hiring process by conducting the Preliminary Background Investigation (PBI) internally to bring prospective permanent employees on board prior to waiting for the full background check by the Office of Personnel Management (OPM). This new system will allow BIA-OJS to bring employees on board to attend mandatory training prior to completion of the full background investigation by OPM. The employment would be conditional and subject to successful completion of an OPM background check.

OJS has assigned a team of Criminal Investigators to the recruitment team to conduct the PBI on new police officer, criminal investigator and correctional officer selectees. The PBI will inform OJS management immediately of any disqualifying issues to mitigate loss of federal resources. Upon receiving a favorable recommendation from PBI, OJS will grant a Request for Waiver that allows the applicant to begin employment prior to the completion of the official OPM background investigation. While these employees would have some restrictions on their duties prior to

the completion of the full OPM background investigation, this new system allows new employees to begin training programs and perform important interim tasks.

Retention

BIA–OJS has recently implemented initiatives to enhance the retention of qualified law enforcement employees. We will review and re-evaluate the current grade structure of all OJS positions to ensure parity with other federal law enforcement agencies. OJS positions are consistently at a lower grade than those of other federal law enforcement agencies. This adversely affects OJS' ability to recruit, retain, and develop leaders who can rise to the top of the organization.

Historically, OJS has struggled to fill police officer and mid-level supervisory positions in the field. These positions are a vital link in day-to-day field operations and largely responsible for the safety of citizens within Indian Country. By increasing the grade levels of OJS positions, OJS will be better able to attract more applicants and allow employees the opportunity to bolster their experience and knowledge by competing for future upper management positions.

BIA is considering expanding and institutionalizing the use of recruitment incentives to attract new police officers and retain them. BIA presently has the authority to pay relocation costs, award recruitment incentives, and repay student loans, for certain positions. Another retention tool is the use of Service Agreements under which an employee, for example, agrees to serve in a high-priority area for a certain period of time would receive a placement into a position of his or her choice after the term of the Service Agreement expired.

Training

BIA and tribal programs provide a wide range of public safety services to Indian Country. These services include uniformed police services, criminal investigations, detention management, telecommunications, and tribal court assistance. To effectively provide these services, staff must receive certification in basic training skills related to their employment field. Because many Indian Country law enforcement officers cover vast areas of both extremely rural and urban terrain which often comprising several thousand square miles, high quality and specialized training is vital for protecting both the public and our officers.

Throughout the nation, many other federal and state agencies operate their own police academies, training officers in basic and advanced techniques to perform law enforcement services. Currently BIA–OJS operates the United States Indian Police Academy (USIPA) located at the Federal Law Enforcement Training Center (FLETC) in Artesia, New Mexico. The USIPA provides training to federal, tribal and local law enforcement officers who work in or near Indian Country.

U.S. Indian Police Academy History

Prior to 1968, availability of police training for tribal officers was extremely limited. While a few state police training academies granted access to BIA and tribal officers, there was a long wait. At the federal level, candidates sometimes faced a delay of up to three years for admission to the FBI academy. Consequently, actual job experience, supplemented with limited formal in-service instruction, was the predominant form of Indian law enforcement training and education. These limitations precluded effective, professional law enforcement services from reaching Indian Country.

The U.S. Indian Police Training and Research Center was originally designed to train of BIA and tribal law enforcement officers, qualified potential Indian police officers, and other law enforcement personnel working on or near Indian reservations. The basic program was soon expanded to provide specialized training on an as needed basis for police officers, supervisors and managers, juvenile officers, criminal investigators, and jail personnel. By 1971, the Academy was assisting and conducting field in-service training as necessary for specialized subjects through short duration training sessions.

After several relocations spanning over 20 years, in January 1993, the Indian Police Academy relocated to the FLETC in Artesia, New Mexico, the present location of the USIPA.

The USIPA at FLETC

The mission of the USIPA is to develop and provide law enforcement training and technical assistance to federal and tribal law enforcement organizations and their personnel. All training programs are designed to meet Indian Country law enforcement, employee development, and organizational improvement standards.

The USIPA offers basic training courses for police officers, telecommunications operators, and corrections officer candidates. USIPA also offers numerous advanced training courses on child abuse investigation procedures, community policing, use of

force, firearms usage, archeological resource protection, police management and supervision, crime scene processing, detention, and dispatcher training for both tribal and BIA law enforcement officers.

Currently the USIPA conducts three (3) basic police officer training programs (BPOTP) each year. The BPOTP is 16.5 weeks long, consisting of 739 hours of instruction. The BPOTP is an integrated FLETC Basic Program. USIPA offers Indian Country specific training programs which include:

- History of the Indian Criminal Justice System
- Indian Civil Rights Act
- Indian Country Juvenile Law
- Indian Country Liquor Law
- Indian Child Welfare Act
- Indian Country Conservation Law
- Indian Country Criminal Jurisdiction
- Indian Country Community Orientated Policing
- Domestic Violence
- Crimes against Women
- Specific Indian Country Patrol Procedures Laboratory Exercise
- Specific Indian Country Patrol Skill Laboratory Exercise

These training programs, laboratory and practical exercises address many unique aspects of Indian Country law enforcement.

Every three years the USIPA conducts a Curriculum Review Conference to validate basic training programs. Participants from tribal and BIA law enforcement programs give insight and make recommendations to change or add specific courses. The final training program is submitted to the FLETC Evaluation and Analysis Branch (EAB) to validate the recommendations. Once EAB validates the recommendations, the new basic training program with changes is scheduled.

Assistant Secretary Echo Hawk is deeply concerned about the attrition rates at the USIPA. Since 2007, the average attrition rate at USIPA for the basic police class is 56.6 and 38.4 percent for the basic corrections class. This is unacceptable. These high attrition rates hinder the Department's ability to deploy trained officers in Indian Country. The high attrition rates may be attributed to the following areas:

- *Health* Screening during initial assessment.
- *Medical*. Cadets will be dismissed due to injury requiring extended medical treatment. Cadets can only miss 5 days of training.
- *Resignation*. Cadets can resign for personal or family reasons with the consent of their employing agency.
- *Academics*. Cadets who fail two academic tests are dismissed. The BPOTP is written at the 9th grade reading and comprehension level. Students can participate in individual study groups and test review sessions the night before each academic exam.
- *Other*. This category is for those cadets who fail a practical evaluation or violate a USIPA rule or regulation. The violation is usually a negative contact with law enforcement or an alcohol related offense.

Other factors that contribute to our attrition and graduation rates may include:

- Many tribal and BIA law enforcement programs do not academically prepare cadets for the rigors and challenges of the BPOTP.
- Many tribal and BIA law enforcement agencies do not medically screen cadets to attend the USIPA.
- Many tribal and BIA law enforcement agencies do not conduct a thorough background investigation of cadets.

BIA-OJS has, however, had great success with candidates who attend the Criminal Investigator Training Program (CITP) utilized by the BIA. The CITP provides fundamental training in criminal investigation techniques, concepts, and methodologies.

The CITP is an 11.2 week integrated basic program designed for the Federal 1811 series (Criminal Investigators) and tribal investigator who conduct criminal investigations into violations of federal crimes. Lecture, laboratories, practical exercises, and tests are used to ensure that each trainee acquires all of the critical knowledge, skills and abilities required of new criminal investigators. Throughout the program, each trainee must participate as a member of a small task force team in a continuing case investigation. The training equips students to interview witnesses, conduct surveillance and undercover operations, develop a case, write and execute

search and arrest warrants, write a criminal complaint, obtain an indictment, and testify in a courtroom hearing.

The CITP is a FLETC based basic program held in Glynco, Georgia and instructed by FLETC training staff and partner organizations. Approximately one third of the 88 FLETC Partner Organizations that utilize the Glynco, Georgia FLETC training site are represented by on site staff at Glynco, while BIA has none. Consequently, BIA and tribal investigators who attend the CITP do not receive the same level of mentoring and support received by students of agencies that maintain full-time staff at the FLETC.

Of the 47 BIA and tribal students who attended the CITP program from FY 2008 and 2009, only 3 failed to complete training. This equates to a 6.3 percent failure rate for Indian Country law enforcement officers, which illustrates a more successful rate as compared to the USIPA cadets.

Initiatives

DOI/DOJ Collaboration: Secretary Salazar and Attorney General Holder have created an interagency workgroup, to explore ways to improve coordination and communications and fill gaps in the federal law enforcement effort. The DOI/DOJ workgroup has met several times, forming subgroups to investigate specific topics, and has met with representatives from the Department of Health and Human Services. This workgroup accelerated its work following the November 5, 2009, White House Tribal Nations Conference.

Pre-Training Notification: Currently, new hires reporting to the basic training program have minimal knowledge and understanding of the training requirements of the USIPA. To remedy this problem, BIA has launched an initiative to provide them with a pre-employment packet describing the expectations of the training program to better prepare them for life at USIPA.

Basic Training Program Transition: Currently the USIPA is conducting a pilot training program by holding the BPOTP concurrently with the Land Management Police Training (LMPT). This pilot period will allow management to compare program training standards. The current 16.5 week program has operated under the same format for 20 years and is inconsistent with other Department law enforcement basic training programs which benefit from the LMPT program. In addition, while the USIPA currently offers four classes per year, it provides only three. Reduced course loads and high attrition rates impede new officer training and hinder the Department's ability to put trained officers on the street.

The USIPA currently subscribes to a para-military method of training. This method of training served its purpose initially, but is not as effective to the core group of cadets that are seeking entry into the USIPA today. The millennial generation is our primary target for recruitment. The LMPT program's emphasis on group learning, team development, and strengthening peer bonds will create an environment where this next generation can succeed in an academic setting.

The LMPT program focuses on rural law enforcement which accommodates BIA and tribal officers who often work in rural and remote locations. The Department uses LMPT for its other law enforcement programs. USIPA can conduct LMPT 14 times per year with 8 classes in Glynco, GA and 6 in Artesia, NM; however, FLETC can reallocate its existing training resources to expand the actual number of classes to meet the demand of Indian Country. Having two training locations and offering more training opportunities is cost effective for tribes who send cadets to USIPA. By reducing class sizes from 48 to 24 we expect to reduce attrition. The LMPT is an 18-week training program and currently has a 7 percent attrition rate.

Reduce the Basic Corrections Officer Training Program (BCOTP) Class Size: Currently, we require 48 recruits to be enrolled in the BCOTP before we conduct the course, which is scheduled 4 times per year. Consequently, at least one course each year is cancelled. Recruits enrolled in cancelled classes must wait for the next class to occur. By reducing the mandatory class size from 48 to 24 and increasing the number of classes to 8 per year, USIPA can provide more frequent basic training opportunities and reduce the number of cancelled classes. The BCOTP is a BIA specific program with a FLETC approved syllabus.

Recruit Mentoring Program: BIA-OJS plans to develop a formal mentoring program for students going through Basic Training. This mentoring program will identify at-risk students and provide remedial and after hours assistance with academic and practical exercise requirements for the basic training program. This mentoring program will reduce the current attrition rate and enhance successful completion of the basic training program.

Bridge Training Program: BIA-OJS developed a Bridge Training Program to allow new hires who are already certified by a state or collegiate academy to meet the mandatory minimum training requirement for federal law enforcement service.

It was previous policy to require state certified officers, regardless of experience, to complete the 16-week basic training course in Artesia, NM. The Bridge Training Program will bridge the gap between the state and collegiate training which will allow new hires to become federally-certified and to meet specific Indian Country law enforcement course requirements in areas such as: Indian Country Law, Criminal Jurisdiction in Indian Country, and the FLETC Practical Pistol Course. This program would allow new hires already certified by a state academy to quickly meet the minimum mandatory training requirement of federal law enforcement service in two weeks as opposed to 16 weeks.

Establish a Northern Plains Advance Training Academy at the United Tribes Technical College: OJS is working with the United Tribes Technical College in Bismark, ND to provide the proposed Bridge Programs at the College, and will consider partnering with other potential satellite locations to increase basic certification options for BIA and tribal police officers.

Collegiate Law Enforcement Option: BIA–OJS plans to develop a collegiate law enforcement option to address the practical and field exercise training not offered by many collegiate certification programs. These collegiate programs generally do not provide instruction in practical field exercises such as firearms and driving required for federal certification. Working with FLETC, we identified a solution to this issue by developing another option for the Bridge program. The BIA submitted a training syllabus to FLETC Training Management Division on October 30, 2009 for review and approval. FLETC indicates that once it approves the training syllabus, the four (4) week follow-on-basic program will be taught in Artesia, New Mexico. It will include courses such as: Indian Country law, firearms, and divers training.

Rotational Training Cadre: BIA–OJS proposes to begin a 3 year rotation of correction and police officers to provide training at the USIPA and its satellite academies. This will ensure our USIPA instructors bring the most current training tactics and methodologies to the field and to the training environment.

Advanced, Specialty and Outreach Training: USIPA is in the process of addressing training needs through advanced, specialty and outreach training. In 2008, USIPA identified “anchor points” of training to allow training to be conducted closer to the tribal and BIA law enforcement locations.

Through the efforts of FLETC, Office of State and Local and the Rural Policing Institute, additional training programs will be exported to the established anchor points. These programs focus on management, technical and specific training programs including courses such as: Supervisory Leadership, Executive Management, Active Shooter, Highway Interdiction, Back Country Tactics, Use of Force, Domestic Violence training the trainer, and First Officer Response.

Working with the Federal Bureau of Investigation, Indian Country and Special Crimes Unit, advanced training course offerings will be conducted. These courses include:

- Critical Incident Stress Management
- Introduction to Indian Country
- Forensic Child Interviewing
- Crime Scene Investigation
- Financial Crimes Investigation

The USIPA has a rich history of service to Indian Country and training of law enforcement officers. However, to meet the ever changing needs in Indian Country for qualified well trained officers, the BIA–OJS proposes to build on our relationship with the FLETC by implementing these initiatives and others to improve training for law enforcement officers.

Mr. Chairman, thank you for the opportunity to address a matter of such an importance for Indian Country. The Department will continue to work closely with you and your staff, tribal leaders, and our Federal partners to strengthen the recruitment, hiring, training and retention of law enforcement officers in Indian Country, and we appreciate your continued commitment to Indian country law enforcement.

I will be happy to answer any questions you may have.

Senator JOHNSON. Thank you, Mr. Garriott.
Mr. Wright?

**STATEMENT OF JOSEPH W. WRIGHT, ASSISTANT DIRECTOR,
FEDERAL LAW ENFORCEMENT TRAINING CENTER, OFFICE
OF ARTESIA OPERATIONS, U.S. DEPARTMENT OF HOMELAND
SECURITY**

Mr. WRIGHT. Mr. Chairman, Vice Chairman Barrasso, and Members of the Committee, on behalf of Secretary Napolitano and the Director Connie Patrick of the Federal Law Enforcement Training Center, I am honored to testify before this Committee today.

My name is Joseph Wright. I serve as the Assistant Director for the Office of Artesia Operations in Artesia, New Mexico for the Federal Law Enforcement Training Center, which oversees the Indian Police Academy and all other law enforcement training in Artesia.

As the Committee is aware, the FLETC is responsible for providing basic law enforcement training to over 88 Federal agencies with law enforcement authority and provides advanced and specialized training to Federal, State, local, tribal, campus and military law enforcement organizations.

Since its conception in 1975, the Center has developed training that brings consistent and up to date technology and information to the law enforcement community.

The history of the Bureau of Indian Affairs consolidated training concept with FLETC spans more than 25 years. On October 15, 1984, the BIA moved the United States Indian Police Academy, which was located a Brigham City, Utah, to the Federal Law Enforcement Training Center in Marana, Arizona in order to comply with the Congressional mandate that consolidated training for all Federal law enforcement the Congress had placed on us.

Upon the relocation of the IPA to FLETC, a curricular review was conducted and program designed specifically for Indian Country was created to manage and oversee their training programs. In 1991, under the direction of BIA Director of Law Enforcement Services at that time, a partnership with FLETC was created to manage and oversee the IPA. In 1993, the FLETC relocated all of its training from Marana, Arizona, which was a leased facility, to its own facility in Artesia, New Mexico, where IPA continues to operate today.

The President's fiscal year 2011 budget proposes \$807,000 for BIA training for law enforcement personnel, of which \$540,000 is attributable to the basic training program. FLETC strives to ensure that its training programs are developed with the highest standards of today's adult learning environment. The entire instructional staff at FLETC is comprised of career law enforcement personnel who are highly trained in the methodologies of training in a law enforcement environment.

Indian Country law enforcement personnel face unique and complex challenges today in Indian Country, as you all are all aware. We have developed training to meet those challenges. For example, some of the training programs specific to Indian Country include courses in the Indian Child Welfare Act, Indian Country jurisdictional issues, and the challenge of working alone without assistance of backup for an extended period of time due to the ruralness of where they work.

The Land Management Police Training Program that they are currently utilizing provides the core law enforcement training offered to all of Department of Interior agencies. The specific Indian Country issues are taught as a follow-on to the basic program.

Mr. Chairman, I have read the report provided by the BIA to Senator Dorgan, Protecting Indian Country, February, 2010. FLETC, working with BIA, has already implemented several of the changes in this report. For example, FLETC is offering the LMPT Program, Land Management Training Program, versus the basic police officer training program prior to this.

I am pleased to report that we began the first class under the LMPT early last month and to date we have not lost a single student due to academics, personal resignation or injury. Twenty-three of the 24 students remain in the program, and the one student who is not there today was removed by his agency, terminated for employment, and called home. It had nothing to do with the training itself.

By utilizing the LMPT, PBIA has the option to fill an entire class of Indian Country trainees or these trainees may join classes of other participating agencies who may need agents or officers trained in smaller numbers. Through this consolidation training approach, FLETC and the IPA are able to meet the training needs of all law enforcement agencies, both large and small, as their training needs arise.

Additionally, a consolidated training approach allows BIA tribal officers to train with other DOI law enforcement personnel. We must continue to meet the Federal Law Enforcement Training Accreditation Board standards and provide consolidated training to our agents and officers so that they gain the benefit and knowledge of all the Federal, State, local, tribal and military law enforcement personnel they will work with throughout the years.

Consolidated training not only provides the best learning experience for our agents and officers, it provides the greatest cost benefit to the American people.

I respectfully submit these remarks and am prepared to take any questions from the Committee, sir.

[The prepared statement of Mr. Wright follows:]

PREPARED STATEMENT OF JOSEPH W. WRIGHT, ASSISTANT DIRECTOR, FEDERAL LAW ENFORCEMENT TRAINING CENTER, OFFICE OF ARTESIA OPERATIONS, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. Chairman, Ranking Member Barrasso, and Members of the Committee:

On behalf of Secretary Napolitano and the Director of the Federal Law Enforcement Training Center (FLETC), Connie Patrick, I am honored to testify before the United States Senate Committee on Indian Affairs to provide insight on the training of law enforcement personnel for Indian Country. My name is Joseph Wright and I serve as the Assistant Director of the Office of Artesia Operations and have program management responsibility for the law enforcement programs conducted at the FLETC Artesia. As this Committee is aware, the FLETC is responsible for providing basic law enforcement training to over 88 federal agencies with law enforcement authority and provides advanced and specialized training to federal, state, local, tribal, campus and military law enforcement organizations. Since its conception in 1975, the Center has developed training that brings consistent and up-to-date technology and information to the law enforcement community.

The history of the Bureau of Indian Affairs (BIA) consolidated training concept with the FLETC spans more than 25 years. On Oct. 15, 1984, the BIA moved the United States Indian Police Academy (IPA) from Brigham City, Utah to the FLETC

in Marana, Arizona in order to comply with a congressional mandate to consolidate training for all federal law enforcement personnel. Upon the relocation of the IPA to FLETC, a curriculum review was conducted and a program designed specifically for Indian Country law enforcement personnel was developed and implemented. In 1991, under the direction of the BIA Director of Law Enforcement Services, a partnership with the FLETC was created to manage and oversee the IPA. In 1993, the FLETC relocated all of its training from Marana, Arizona to the FLETC Artesia, New Mexico, where the IPA continues to operate today.

The President's FY 2011 budget proposes \$807,000 for BIA training, of which \$540,000 is attributable to the LMPT.

FLETC strives to ensure that its training programs are developed with the highest standards in today's adult learning environment. The entire instructional staff at the FLETC is comprised of career law enforcement personnel who are highly trained in the methodologies of training in the law enforcement environment. Indian Country law enforcement personnel face unique and complex challenges, and we have developed training to meet those challenges. For example, some of our training programs specific to Indian Country include courses on the Indian Child Welfare Act, Indian Country jurisdictional issues, and the challenges of working alone, without assistance or backup, for an extended period of time. The Land Management Police Training (LMPT) program provides the core law enforcement training offered to all Department of Interior (DOI) Law Enforcement Agencies. The specific Indian Country issues are taught as a follow-on to the basic program.

Mr. Chairman, I have read the report provided by the BIA to Senator Dorgan (Protecting Indian Country Report, February 3, 2010).

FLETC, working with the BIA, has already implemented several of the changes this report recommends. For example, FLETC is offering the LMPT versus the Basic Police Officer Training Program to BIA officers. I am pleased to report that we began the first class under the LMPT program early last month, and to date we have not lost a single student due to injury, academics or personal resignations, 23 of the 24 students remain in the program. One individual was removed by his agency due to termination of employment. By utilizing the LMPT, BIA has the option to fill an entire class of Indian Country trainees or, these trainees may join classes of other participating agencies who may need agents/officers trained in smaller numbers. Through this consolidated training approach, FLETC and the IPA are able to meet the training needs of all law enforcement agencies, both large and small, as their training needs arise. Additionally, a consolidated training approach allows the BIA and tribal officers to train with other DOI law enforcement personnel.

We must continue to meet Federal Law Enforcement Training Accreditation Board standards, and provide consolidated training to our agents and officers so that they gain the benefit and knowledge of all of the federal, state, local, tribal and military law enforcement personnel they will work with throughout their careers. Consolidated training not only provides the best learning experience for our agents and officers, it provides the greatest cost benefit to the American people.

I respectfully submit these remarks and I am prepared to answer any questions the Committee may have. Thank you.

Senator JOHNSON. Very good.

Senator Barrasso, do you have an opening statement?

**STATEMENT OF HON. JOHN BARRASSO,
U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Thank you very much, Mr. Chairman. I do, and first I would like to thank you for holding this hearing to examine what I believe is a real problem in Indian Country: recruiting, training and retaining officers to serve on BIA and tribal police forces.

I really want to tell you how much I appreciate and welcome my friend, Chairman Ivan Posey of the Eastern Shoshone Tribe, who has come from Wyoming to testify about these challenges.

Today, I have a lengthy statement. I would like to just make it part of the record, Mr. Chairman, so as not to delay the hearing.

[The prepared statement of Senator Barrasso follows:]

PREPARED STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

Good afternoon, and thank you Mr. Chairman for holding this hearing to examine what I believe is a real problem in Indian Country: Recruiting, training, and retaining officers to serve on BIA and tribal police forces.

I appreciate and welcome Chairman Posey of the Eastern Shoshone tribe who traveled from Wyoming to testify about these challenges.

BIA recently released its report “protecting Indian Country” outlining the challenges and current status of hiring, recruiting, and retaining adequate law enforcement. I am particularly interested in how the recommendations in the BIA’s report will complement its efforts to implement the High Priority Performance Pilot Project for Crime Reduction. I understand that this pilot is now underway on the Wind River Indian reservation.

Based on Committee hearings and information provided by tribal leaders, we know that in some Indian communities, public safety is much more than just an issue—it’s a crisis. In recognition of this crisis, the Committee has had 2 hearings on law enforcement issues during this Congress, one on reservation gang activities and another on your bill, Mr. Chairman, the Tribal Law and Order Act.

The question of public safety has been raised during other hearings in the past year as well. The Chairman and I both raised law enforcement issues and tribal police staffing levels with Secretary Salazar at our hearing in February of 2009. A few months later, we raised law enforcement issues with Larry Echo Hawk during his nomination hearing in May of 2009. On both occasions, I cited the police force on Wind River Indian Reservation as an example of dangerously low police staffing levels.

Unfortunately, I think the situation on the Wind River Reservation is an example of conditions on other reservations. Tribal leaders on the Wind River Indian Reservation speak to me about law enforcement issues and BIA police staffing shortages almost every time we meet back in Wyoming.

According to the BIA’s 2008 Crime Report, the crime rate on the Wind River Indian Reservation is about 3½ times the national average. Right now, we have a grand total of 6 BIA officers patrolling this 2.2 million acre reservation. That’s 6 police officers working an area almost the size of the State of Connecticut, which translates—at most—to 2 or 3 officers on any given shift. That’s a frightening prospect for the reservation, communities, and that’s why I keep raising this staffing issue.

It is my understanding that the Department of the Interior is attempting to enlarge the BIA patrol force on the Wind River Reservation through increased hiring and temporary details. We’ve been told that there are 2 officers who will be deployed as soon as their training and background checks are complete—a minimum of 4 months from now. They have recruited an additional 8 officers who have not yet started training but hopefully will begin training soon. And finally, the BIA plans to extend offers to 2 more patrol officers.

So if everything works out, we should have a total of 18 permanent patrol officers on the Wind River police force, which is the maximum number of offices funded for the reservation. And yet, Mr. Chairman, according to the 2008 BIA Crime Report, the level of need on the reservation is 29 officers. Which means that even in the best case scenario, our patrol officer staffing will eventually be at 62 percent of the level of need. That’s much better than the current 20 percent of need, and I do appreciate the Department’s efforts, but no community in the United States should have a police force that is almost 40 percent understaffed and yet many Indian communities across this nation face that reality.

We simply must overcome the staffing problem to provide safety and security to reservation communities. The Department of the Interior must put successful methods in place nationwide, and tribal communities must do their part as well to promote that success and they should have the tools they need to do that.

I think the Tribal Law and Order bill includes many ideas that will help the Department and the tribes do their jobs. But one change that would have an immediate effect on public safety would be *getting more police officers on the ground*. Plain and simple, we need more manpower patrolling our Indian communities.

Mr. Chairman, I appreciate that you are examining this matter. It is one of the most important issues before the Committee. And I also thank the witnesses for coming these long distances to testify today.

Senator JOHNSON. Thank you.

Mr. Garriott, currently, how many vacancies currently exist in South Dakota, including police officers, criminal investigators, and corrections officers?

Mr. GARRIOTT. Mr. Chairman, currently the number of vacancies existing in South Dakota, I don't have that particular information.

Mr. Thompson, do you have that?

We would be happy to provide that to you at a later time.

Senator JOHNSON. Yes. Is there any means of reciprocity between the BIA officers and State and local officers to fill the gaps? In South Dakota, as you know, we have many checkerboarded jurisdictions. And it gets complicated assuring that law enforcement and law and order are able to arrest people who murder. And are there any incentives for that?

Mr. GARRIOTT. Mr. Chairman, there are two mechanisms by which we can move forward with, as you said, some kind of a reciprocity. First, through cross-deputation agreements, we can work with local State law enforcement personnel to authorize and to enforce tribal law on the reservations.

However, this is something that has to be driven by the tribe. It is really up to the tribe to make that determination on whether they want to move forward with a cross-deputation agreement.

We also have the authority to enter into service agreements where necessary with local law enforcement personnel, and that can be done at both the tribal level or at the BIA level.

Senator JOHNSON. Do you know which BIA law enforcement region has the highest rate of crime?

Mr. GARRIOTT. It is my understanding that it is actually the Navajo Nation region that has the highest rate of crime.

Senator JOHNSON. Standing Rock Sioux Tribe recently received a surge of officers in response to an outbreak of crime at that reservation. Do you anticipate this tactic may be used in the future?

Mr. GARRIOTT. We absolutely do. Operation Dakota Peacekeeper was, in our view, a big success. And right now, we are moving forward with a series of high priority performance goals that the Department is pursuing, and our goal is to see 5 percent reduction of crime on four Indian reservations. Those reservations are Standing Rock, Rocky Boy in Montana, Wind River, and Mescalero Apache in New Mexico.

Our first and foremost priority in that effort is to increase police officers on the ground and to institute a community policing initiative, and this strategy is based on the successes that we saw in Dakota Peacekeeper. So we are looking at ways in which to institutionalize those tactics that led to success.

Senator JOHNSON. Mr. Wright, do you know how many candidates that enter the Academy and fail to complete the training are from South Dakota and the Great Plains region? And what is the most common cause for that incompleteness?

Mr. WRIGHT. Sir, I do not know the exact number of students that came from South Dakota that have failed the program. I can tell you that the primary cause for attrition within the basic police training program are twofold: usually, personal resignations which take place within the first two or three weeks of the training program; and then usually the legal block of instruction that entails constitutional law, 18 USC, 21 USC.

Senator JOHNSON. Do you believe that if there were an alternate facility located closer to the Great Plains that we would see more completion rates from those applicants?

Mr. WRIGHT. Sir, I don't believe so. Statistically speaking, all of the Native American tribes, as well as all the Bureau of Indian Affairs, their criminal investigators attend our Glynco facility. The attrition rate for those individuals attending C.I. training is 6 percent, which is the norm across for all the agencies that attend.

The Land Management Training Program that we just started, which we are running simultaneously with one of the old basic programs, is basically what we are seeing is and we are five weeks into the program, we have not had one personal resignation out of that program to date, which is highly unusual.

So I think the changing of the mind set of how we do basic training for law enforcement for Indian Country has more to do with the attrition and what we do versus where they are actually being located at.

Senator JOHNSON. Senator Barrasso?

Senator BARRASSO. Thank you very much, Mr. Chairman.

I would like to follow along your line of questioning. I think the situation on the Wind River Reservation is unfortunately an example of conditions on other reservations. The tribal leaders on our Wind River Reservation speak to me about law enforcement issues and BIA police staffing shortages just about every time that we meet back in Wyoming.

According to the BIA's 2008 Crime Report, the reservation crime rate was about three and a half times the national average. Ivan, just interrupt me if this isn't consistent with what you are seeing.

Right now, we have a grand total of six BIA officers patrolling the 2.2 million acre reservation. That is six police officers working an area almost the size of the State of Connecticut, which translates at most to two to three officers on a given shift. That is a frightening prospect for the communities and it is why I keep raising this issue.

So Mr. Garriott, based on BIA's own reports, Wind River staffing is far below the funded level of 17 officers and the level of need which is 29 officers. So we have six, funded at 17, level of need at 29.

Does the Department intend to raise the levels of law enforcement staffing to meet the level of need of 29 officers for the Wind River Reservation? How do we get to that?

Mr. GARRIOTT. We do intend to put more police officers on the ground at Wind River. The exact staffing ratio for each reservation is something that is unique based on the size, population, rates of crime, et cetera. But our first and foremost priority is to start spending money that we do have. And as you mentioned, we have unfilled positions there and we are working aggressively to fill those positions.

I stated earlier in my opening statement that we have made over 50 offers to police applicants, and we are assigning those new officers based on priority, and Wind River is one of our top priorities. So we have I believe made eight or nine offers and those police officers will be staffed there.

In the meantime, while these new officers go through training, we are working with the Bureau of Land Management and the National Park Service to backfill those positions with law enforcement personnel from those agencies. We are also working with several tribes on a service agreement to get some of their law enforcement out to these reservations.

Senator BARRASSO. Well, I do appreciate that the Department is working on that so-called high priority performance goal, the pilot program on the Wind River Reservation.

Anything else you can tell me in terms of the status of implementing that plan of action for the pilot program?

Mr. GARRIOTT. We have had a series of meetings with the leadership from those tribes. The law enforcement personnel have been conducting a series of studies, working, going out and going door to door in the communities to assess the community's views of law enforcement.

And we plan on holding a stakeholders meeting with the leadership from those organizations and bringing ourselves to the table to meet with them and to find other innovative ways in which we can work to institute this community policing initiative.

And it is not necessarily just focused on law enforcement, but we will bring other departments within Interior such as BIA Social Services.

Senator BARRASSO. Of course, you know, Chairman Posey is here today, so I would ask: What do you need from the tribes? With the Chairman here, what do you need from tribes to facilitate the implementation of your pilot program? Is there more that we can do today or that we could have a discussion on terms of trying to bring people together?

Mr. GARRIOTT. I think first and foremost has been buy-in. And you know, in our initial conversations with the tribal Chairmen from those tribes, it has been nothing but positive and they have been very excited. I would mention that the program at Rocky Boy. Rocky Boy is a 638 law enforcement program, so it is a little bit different because it is not necessarily a direct service as in the other three locations.

Mr. Thompson, from an operational standpoint, do you have anything to add?

Mr. THOMPSON. Yes, thank you.

And thank you, Mr. Vice Chairman, for the opportunity to speak.

You asked about the implementation phase of the high priority performance goal. And I think it is important to mention, Senator Franken mentioned it a while ago, the absence of accurate crime data.

One of the first steps in the implementation of this high priority performance goal was to actually go out and hand pull police reports to try and identify what those base crime rates were for all four of these locations. Utilizing those numbers to develop those crime trends so that we can start proactively addressing criminal acts within the reservations has been a key part of the implementation phase.

We met with Chairman Posey this morning. We have met with him a few times throughout this process, and we are very excited about moving into the development of the specific strategy for each

of these locations so that we can begin to address the reduction in crime.

Thank you.

Senator BARRASSO. Thank you.

Thank you, Mr. Chairman.

Senator JOHNSON. Senator Tester?

Senator TESTER. Thank you, Mr. Chairman.

We will start out with Mr. Garriott. In your testimony, you talked about, well, to boil it right down, only two new officers prior to October, 2009. You talked about employing 51 in the previous eight months, and correct me if I am wrong on that.

I have a couple of questions. Number one, is that 51 net gain over the last eight months? Or is that just offsetting what was lost? Or what kind of increases are we talking about? Because what everybody has talked about up here and what we all know in Indian Country is they need more feet on the ground. So did that 51 result in more police officers, net?

Mr. GARRIOTT. Yes, previously over the last year, we had a net gain of two police officers. Since December 1st of 2009, we have seen over 2,600 applicants, nearly 2,700 applicants and we have extended over 50 offers. So that translates into a net gain of 50-plus police officers.

In the meantime, we may have had a few retirees or people moving on to new jobs, but overall, it is a very big gain and a big gain within a period of several months compared to the last year.

Senator TESTER. Okay. And the Chairman may have asked this question. I thought I heard it, and I will ask it again if that is the case. How many vacancies do you have right now that need to be filled?

Mr. GARRIOTT. We have 191 funded vacancies.

Senator TESTER. So if you get 191 people, does that mean you will meet the needs in Indian Country.

Mr. GARRIOTT. We will not meet the full needs in Indian Country. However, we will be spending our money effectively and making the best use of it. We also can look at ways in which to allocate those staffing needs.

Senator TESTER. Okay. So you have 191 vacancies. Why can't you fill them? They are funded.

Mr. GARRIOTT. Why can't we fill the current funded? Well, in the past, we have had problems recruiting and retaining police officers. We have had problems.

Senator TESTER. Why is that?

Mr. GARRIOTT. We have had a high attrition rate because, for a number of factors: high stress, housing, long hours, as mentioned earlier that sometimes the pay is not comparable to other law enforcement agencies.

Senator TESTER. Could you give me any idea on how deficient the pay is on these 191 funded positions?

Mr. GARRIOTT. I actually don't have that figure.

Senator TESTER. I mean, it would be good. I can tell you that when I was in the State legislature, we dealt with a lot of law enforcement issues in the local ground. And I can tell you that just about every police officer I talked to talked about irregular hours, long hours. It is a tough job.

And what makes your job tougher is the question, and why. And if it is housing, that is fine. I mean, that is an issue we can also deal with on this Committee as we move forward.

I want to jump to Mr. Wright. In your testimony, and it directly dovetails with the answers that Mr. Garriott gave me. In your testimony, and you actually read this, it said, "Through this consolidated training approach, FLETC and the IPA are able to meet the training needs of all law enforcement agencies both large and small as their training needs arise."

Are you talking about instructors? Or are you talking about police on the ground?

Mr. WRIGHT. I am talking about police on the ground, sir.

Senator TESTER. Okay. So I am hearing those guys' needs aren't met.

Mr. WRIGHT. Sir, normally throughout the year, there are four basic police programs that have normally been scheduled for training of BIA and tribal police officers. Normally, three of those classes are filled. The fourth class is canceled due to a lack of applications to fill a full class of 50 people, so that cycle of 200 people.

But the attrition rate in the Academy has been right at above 50 percent. And it deals with some of the way that we actually are doing paramilitary-type training and changing the program. The BIA was in a very unique program that was specific to Indian Country. They trained by themselves in a group of 48 students per class.

We have moved from that model into what we call now the Land Management Training Program. That program consists of 24 students per class. We have added six classes on the books at Artesia, eight of those in Glynco. And those programs now are run with all of Interior. As, sir, the testimony just a minute ago, they are actually touching Bureau of Land Management and Fish and Wildlife to help support them until they can get their hiring done. So that is the same training program for all of them.

Senator TESTER. Is the FLETC and the IPA training programs applicable to the people that Mr. Garriott wants?

Mr. WRIGHT. Yes.

Senator TESTER. So how can you in your testimony, you can say that, I guess, you are able to meet the needs, but you are not meeting the needs.

Mr. WRIGHT. Sir, I would tell you that every request for training that has been put forth to FLETC, every slot that they have requested has been filled and started. It is the attrition rate in itself within the training that has hurt as far as returning those individuals back to the fill.

Senator TESTER. I guess, and my time has run out, Mr. Chairman, so that I am going to turn the mike over to my good friend from Minnesota. But I guess I don't understand that statement, then. If you are able to meet the—there is a disconnect here. If you are able to meet the training needs of law enforcement agencies both large and small as the training arises, yet we have an incredible disparity in Indian Country. That tells me we are not meeting the needs.

Mr. WRIGHT. Well, sir, FLETC is required to train those individuals who have been hired. And as the testimony just was, they have put forth 51 offers within the last eight months.

Senator TESTER. Right, but they are still 191 short.

Mr. WRIGHT. Yes, but those people have not come to FLETC to be trained yet, sir. If they had 191 people ready to be trained tomorrow—

Senator TESTER. You could do it.

Mr. WRIGHT.—through our programs and the way we are scheduled, we can actually probably train that entire 191 within the next five-month period.

Senator TESTER. Okay. Thank you.

Thank you, Mr. Chairman.

Senator JOHNSON. Senator Franken?

Senator FRANKEN. Thank you, Mr. Chairman.

Let me just follow up on that. So what you are saying is if there are more officers recruited that you could train them.

Mr. WRIGHT. That is correct, sir.

Senator FRANKEN. Okay.

Mr. Garriott, the Chairman couldn't be here today and he asked me to ask the question. Congress has appropriated \$990 million for law enforcement services at the BIA over the past four years. On October 30, 2009, the President signed the Interior appropriations bill which provided \$303 million in funding for BIA law enforcement services. And I understand these funds have not gone out to the tribes that have self-determination contracts who can't pay their officers.

Can you please tell the Committee the reason for this delay and when the funding will go out to the tribes? The Chairman tells me the tribes have called this Committee because they have not received the money from the BIA.

Mr. GARRIOTT. Are you referencing 2010 money? Or are you talking all increases? Just for clarification.

Senator FRANKEN. I believe it is 2010 money.

Mr. GARRIOTT. We have not allocated that money yet, but we plan to. We will be working aggressively to do so in an efficient manner.

Senator FRANKEN. Okay. Well, I would urge you please to do that as soon as possible. Thank you.

You know, I look at this and the reason for attrition, it just makes me—I just know that there is all kinds of reason for attrition—paying, housing. When you have, as Senator Barrasso said, six officers on a reservation the size of Wind River, it can't be safe. These guys go out and patrol by themselves, right? Either of you.

Mr. Wright?

Mr. GARRIOTT. Oftentimes.

Senator FRANKEN. So is it more dangerous being an officer in Indian Country than elsewhere?

Mr. GARRIOTT. I would let Mr. Thompson answer that, but first I would, you know, just like to again emphasize that we are working very aggressively to get more officers on the ground.

Mr. THOMPSON. Thank you, Mr. Garriott.

Senator Franken, we talked about the high crime rates, about the three and a half times the national average. We have seen res-

ervations that have reported 20 times the national average crime rates. The fewer resources that we have, the fewer officers that we have working in those types of rural environments with between three and a half and 20 times the national average crime rates, it is definitely more dangerous to work in those areas.

Senator FRANKEN. So that can be a reason for attrition as well.

Mr. THOMPSON. Absolutely.

Senator FRANKEN. And for not being able to recruit people.

Mr. THOMPSON. Absolutely.

Senator FRANKEN. And so it can be more dangerous and it is more dangerous because you are underfunded and understaffed.

Mr. THOMPSON. Right.

Senator FRANKEN. And you know, I think these numbers that where the need is, you know, so many people per 1,000 people, so many, I mean, that is based on a normal crime rate. Right? So if you have three and a half times the crime rate, you would think you would need three and a half times as many as normal population. Right? Wouldn't that follow?

Mr. THOMPSON. That is correct, sir.

Senator FRANKEN. So as it is, we have about like half the number that we need to meet the goals which are less than the normal goals you would have outside of Indian Country, and yet the need clearly is higher than that. That goal you are not even trying to get to. Is that right? Is that fair to say?

Mr. GARRIOTT. First and foremost is filling the vacancies that we do have.

Senator FRANKEN. I understand.

Mr. GARRIOTT. And spending that money efficiently.

Senator FRANKEN. Before the Chairman asked about having another Academy and maybe having one on the Plains, Northern Plains. The United Tribes Technical Colleges have talked about having an Academy there. Would that be helpful to you, Mr. Garriott?

Mr. GARRIOTT. It would be very helpful in our recruitment efforts. It was past BIA policy that we required State-certified police officers to go through the basic 16-week training down in Artesia. This was regardless if they had 10 years law enforcement experience.

We have since changed that policy so that they complete this two-week Bridge Program where they receive Federal firearms certification and courses in Indian law that they can then be a Federal police officer. So it will cut down the amount of training time and is a big incentive.

Senator FRANKEN. Okay. I know you have a Bridge Program there, but I would suggest that maybe having a full program there might be helpful as well.

My time is up. Thank you, Mr. Chairman.

Senator JOHNSON. Thank you, members of this panel. You may be excused.

Mr. GARRIOTT. Thank you.

Mr. THOMPSON. Thank you.

Mr. WRIGHT. Thank you, sir.

Senator TESTER. I just have a couple questions.

Senator JOHNSON. Hold on. I guess Senator Tester has questions.

Senator TESTER. My apologies. You guys are almost off the hook. I just had a couple of questions for Mr. Wright. You guys train a lot of folks every year.

Mr. WRIGHT. Yes, sir.

Senator TESTER. Overall, not just Native police officers.

Mr. WRIGHT. United States Border Patrol, CBP, air marshals.

Senator TESTER. How many people would you say you train?

Mr. WRIGHT. Last year, there were over 60,000 students went through the Federal Law Enforcement Training Center sites.

Senator TESTER. Just from your perspective, I mean, we are on the Indian Affairs Committee here. We have had many, many hearings about law enforcement in Indian Country and how deficient it is and how it takes away from quality of life, safety, all that stuff.

In your assessment, if you can assess it, would Indian Country be one of the biggest needs out there?

Mr. WRIGHT. I think the issue of retention and the number of officers that Indian Country lacks today is one of the biggest crises we face. Two years ago, through the past time, of course, our Border Patrol Initiative, as you are well aware of, just got through doing that. In 2002, the United States air marshals was the biggest need we had.

Senator TESTER. Yes, but right now?

Mr. WRIGHT. Right now, today, I would tell you that Indian Country has the largest need for law enforcement that I am aware of.

Senator TESTER. I appreciate the assessment. Do you do special training for Native American law officers?

Mr. WRIGHT. We do specialized and advanced training for all of our agencies, yes, sir.

Senator TESTER. Yes, but Senator Franken just asked a question about safety in Indian Country.

Mr. WRIGHT. Yes, sir.

Senator TESTER. And he is spot on with that. So, I mean, are you giving those officers the tools to deal in areas where they can go in, I mean, it is, to be quite, quite frank, it is different in Rocky Boy, Montana than it is 35 miles away in Big Sandy, Montana.

Mr. WRIGHT. Yes, it is, sir.

Senator TESTER. So are you giving those folks those tools? And has the BIA asked you to give your students—

Mr. WRIGHT. Yes, sir. The training program that apparently the BIA has gone through with the LMPT is based on for rural law enforcement personnel.

Senator TESTER. Okay.

Mr. WRIGHT. Those individuals who will be in one man units may not have backup close to them.

Senator TESTER. Right.

Mr. WRIGHT. They could be hours away. They may never see it. They may also have to take that case from the very beginning, as no criminal investigator may show up where they would have to process that case and take it all the way to the U.S. Attorney's office. And that is what the LMPT Program does for them.

Senator TESTER. The reason I asked is why is there a Bridge Program then?

Mr. WRIGHT. The Bridge Program, sir, is based upon—what they are talking about is when there are 22 State academies that have been recognized over the years through BIA. If you attend a State Police Academy, the one problem that you are not going to get is you are not going to get Indian Country jurisdiction.

Senator TESTER. Okay.

Mr. WRIGHT. You are not going to get the Indian Child Welfare Act.

Senator TESTER. So what you are saying is your graduates don't have to go to the Bridge Program. They are ready to go.

Mr. WRIGHT. That is correct, sir. They already get all that in their basic.

Senator TESTER. Is that correct?

Mr. WRIGHT. That is correct.

Senator TESTER. Okay. Do you have the ability to move money around in your budget?

Mr. WRIGHT. No, sir.

Senator TESTER. You don't?

Mr. WRIGHT. I don't. No, not at my level, sir, no.

[Laughter.]

Senator TESTER. Okay. Well, here is a question for you and you might now take it to the person who is at that level.

There is about \$280 million is your budget that gets appropriated to your agency for training. About \$800,000 is spent on training for Native Americans. That is the figure that I got from people who know.

The question I have is, you were very honest about the needs in America, about where the most needs were. In a \$280 million budget, \$800,000 is less than 102/80th of that budget.

Mr. WRIGHT. If I could, sir?

Senator TESTER. You bet.

Mr. WRIGHT. That number is appropriated by the Congress to us based upon the projections that are given to us by the Bureau of Indian Affairs. That number that you are seeing entails those basic police officers that go through basic training, those who attend the Criminal Investigators Training Program for C.I.'s, and any advanced training they may have requested that is in that—

Senator TESTER. So what you are saying is—

Mr. WRIGHT. That \$800,000 that you see, sir, is what they requested that we spend towards them to make sure that their training—

Senator TESTER. So if they requested more because they thought you could get more officers out, you would put more money in that line item?

Mr. WRIGHT. That line item would be increased, sir, based upon the numbers that they are asking for, but that is for all of our—

Senator TESTER. That is cool. We like that. Do you guys want to keep that in mind?

[Laughter.]

Senator TESTER. Well, I think it is actually, you know, we poke fun at it. The truth is that if you are living in an area where you are not safe, it is the pits. And we need to figure out how to get this doggone thing fixed. We honestly have to get it figured out. We

can spend all the money we want and it ain't going to happen for Indian Country until we get some safety stuff going on.

And I am not sure the \$990 million that the Chairman talked about in his opening statement has been spent to the best ability to get police on the ground. And I will just be quite frank on that. \$990 million is a lot of dough, and we should have a lot more than 50 additional officers or 52 additional officers on the ground over the last four years, in my opinion, and I would argue that for a while.

Last question and I will let you go, and I thank you for your patience. Is there additional cost to the tribes to run them through the UTTC Program, the Bridge Program? And if there is, why aren't you requiring the folks to do the training before to take care of it? Because these guys just said, if you request them the extra money, they will do it.

Mr. GARRIOTT. The problem isn't necessarily, you know, the money to train the police officers. It is recruiting and hiring. And so actually we have had to cancel classes at the IPA Program because we just weren't able to hire enough individuals.

Senator TESTER. Okay. Well, I don't know what is happening. You have 20 percent to 80 percent unemployment in Indian Country and if they are trained right, they could make a good living at it. I am not saying it is for everybody, but maybe the recruitment needs to be stepped up then, if that is the case. Just a thought.

Mr. GARRIOTT. Absolutely, and we are taking those steps, and as evidenced by the numbers that we have seen in the last couple months and the work of the Office of Justice Services, we are moving in that direction.

Senator TESTER. Thank you very much, and I appreciate your patience. Thank you, guys. I appreciate what you do, too. Thank you.

Senator JOHNSON. Does Senator Franken have anything else?

This panel may be excused finally.

Mr. GARRIOTT. Thank you.

Senator JOHNSON. The second panel is comprised of the Honorable Myra Pearson, Chairwoman, Spirit Lake Sioux Tribe, Fort Totten, North Dakota, accompanied by Dr. David Gipp, President, UTTC; the Honorable Ivan Posey, Chairman, Eastern Shoshone Tribe, Fort Washakie, Wyoming; and Mr. Gary Gaikowski, Chief of Police, Sisseton Wahpeton Oyate, Agency Village, South Dakota.

I have a note here that says remind the second panel of the five-minute rule. I will turn to Myra Pearson and David Gipp who have a 5:30 flight, and I understand that.

So Myra and David Gipp, proceed.

STATEMENT OF HON. MYRA PEARSON, CHAIRWOMAN, SPIRIT LAKE NATION; ACCOMPANIED BY DAVID GIPP, PRESIDENT, UNITED TRIBES TECHNICAL COLLEGE

Ms. PEARSON. Thank you, Mr. Chairman and Vice Chairman and Committee Members. Thank you for this opportunity this afternoon to provide testimony here.

I have listened to the first panel and a lot of the stuff, you know, I have heard, I have said before. I have been here to Washington to testify for these very things. And I guess today I am going to

respectfully ask that I am able to leave this testimony, that I would like to summarize and leave it to, that it be a part of the record.

And I would like to summarize some of this stuff. First and foremost, I am the Chairwoman for the Spirit Lake Tribe in North Dakota. And secondly, I am also the Chairwoman for the Board of Directors at the United Tribes Technical College located in Bismarck, North Dakota.

Accompanying me this afternoon is Dr. David Gipp, who is the President of United Tribes.

As I said, you know, in 2007, our tribe a community-wide assessment and strategic plan to identify and prioritize issues facing our communities and to strategize the best practices to enable us to address those issues. During that effort, the improvement of law enforcement services on the Spirit Lake Reservation were identified as a priority for development and enhancement.

While the tribe has continued a dialogue with the Bureau of Indian Affairs for decades, the blatant inefficiencies with respect to law enforcement and tribal justice as a whole remain unresolved and in many respects the issues have compounded over the years.

The issues I see with the current law enforcement services provided by the Bureau of Indian Affairs include, and this is where I will summarize, we have officer shortages. We have lack of training and inadequate facilities. I have on several occasions made recommendations to assist in resolving some of the above-stated issues. However, it seems that the BIA is not interested in resolutions, but rather is attempting to close what limited facilities and services they are providing in tribal communities.

In my opinion, the approach that the BIA has taken in addressing justice issues in tribal communities has demonstrated that the agency is completely out of touch with Indian Country, and that there are far too many people climbing the ranks and leaving the field offices ill-equipped to meet the needs of the communities they are supposed to be serving.

I think it is time for the United States Congress to take a hard look at the upper level administration within the Bureau of Indian Affairs and assess what needs to improve within the leadership of the Bureau of Indian Affairs.

In my mind, there are several potential avenues that may be pursued that would support the improvement of BIA law enforcement services with respect to recruitment, retention, training and hiring. Such avenues will include recruitment and retention. There are several tribal colleges across the Nation that would serve as an excellent pool for the recruitment of prospective law enforcement officers. The BIA has done little to focus on post-secondary educational institutions to actively recruit qualified candidates to enter BIA law enforcement services.

At one point in time, the Spirit Lake Tribe had upwards of 13 open but unfilled officer positions. When inquiry was made as to why such vacancies existed, the Aberdeen area office representatives explained that people who wrote the entrance exam were unable to pass, despite the fact that it was deemed to be a ninth grade level examination.

This statement speaks to the fact that the BIA is focusing their recruitment in the wrong place with the wrong people and using

the wrong means. Hanging posters around the community does not qualify as active recruitment, in my mind. I believe that the local agency should be engaging our youth and people who are demonstrating an interest in pursuing careers in criminal justice.

A simple biannual visit to area community college should be a part of the responsibilities for active duty law enforcement officers. Additionally, the placement of officers plays a big role in retention. And if efforts are made to ensure placement closer to an individual's home community, that would be a significant factor in recruitment and retention, not to mention that this promotes community-oriented policing and investment in our tribal communities.

Hiring. There is little or no information made available to the tribe on hiring process for BIA law enforcement officers. We were previously informed that once positions are posted, the prospective candidates must submit an application, and upon passing an initial screening, must also pass a written examination and the basic training academy, which is located in Artesia, New Mexico.

Currently, the training facility in Artesia is the only BIA training facility in the Nation. The fact that recruits are expected to relocate for an extended period of four months is often a barrier to employment as most qualified individuals have dependent children and family members.

Training is also regional. Academies are an essential part of providing relevant training for recruits and active duty law enforcement officers. It has been clearly stated by tribes for many years that the needs for tribes and the demographic of tribes vary greatly. The development of regional academies would foster environments in which general law enforcement training could be provided. But it also provides a tremendous opportunity for specific training that is relevant to the tribes in a region.

The Training Academy should focus on basic training for new officers and should also include continuing education for existing officers. Continuing education would be available regardless of an officer's desire to change their rank or position within the BIA.

At this time, Mr. Chairman, I would like to turn what is remaining of my time over to Dr. David Gipp, who is the President of United Tribes and is another reason why we are here today to promote United Tribes as one of the training sites.

Senator JOHNSON. Please be brief, Mr. Gipp.

Mr. GIPP. I will be very brief, Mr. Chairman. Thank you very much.

I would just point out that United Tribes, which is located in Bismarck, North Dakota, has been actually doing criminal justice training for close to 40 years. And a lot of our graduates go into existing State positions. Some of them go back through the Academy at Artesia. And so we have had that kind of relationship.

Our training program is recognized by the Attorney General and the Post Board of North Dakota, which is key to have the certification at the State level in terms of our graduation.

We do a certificate and we do a two-year degree program. And we are located in a good location for the Northern Plains. We work very close with our respective law enforcement agencies, the city, county and States, and have good relationships with those kinds of agencies.

We also have mechanisms for our students to receive other kinds of funding as a community college, obviously. I would just observe that unfortunately we think that the training at Artesia, while it is good in quality, simply hasn't been able to produce the number of graduates that are necessary for the if you want to call it the 2,800 vacancies that exist throughout Indian Country.

Even at their capacity of 150, they are probably only producing maybe 50 percent in terms of the graduates that make it through that Academy. And while we are not being critical of that, we just simply say, and I have been listening to tribes for close to 30 years complain about the lack of basic law enforcement in the communities, we need other alternatives. We need to create a new and better model for Indian Country if we are going to alleviate the issues of public safety and endangerment in our various homes.

I am from Standing Rock, and quite frankly, there are communities that that if you are a policeman, I would hesitate to go into some of those areas, not because the people are dangerous, but because crime has become rampant.

And it is important for us to then begin to provide better public safety, because all of our tribal citizens want, you know, good, peace and harmony in their respective communities. We think we can do, or at least lend toward that effort on the Northern Tier, at least in a five-State region, perhaps beyond that.

I am in the midst of an expansion of our campus right now. We have rededicated a number of areas that would go towards criminal justice. But we also think that the Indian tribes need good support to develop their own infrastructure, both locally and regionally in terms of that training, and also begin to have the support necessary for them to develop their own standards and accreditation, very similar to what the States have been able to do.

And that is where we need to have that kind of support necessary for them to be able to truly exercise their independence, if you will, and again for the safety and harmony of that population.

I am going to stop my remarks here. There is much more that I do have to say, and we will work very cooperatively on the development of this rich program, for example, with the Bureau of Indian Affairs. But we believe very strongly that basic law enforcement training needs to begin to happen in our region.

Senator JOHNSON. Thank you, Dr. Gipp.

[The prepared statement of Ms. Pearson follows:]

PREPARED STATEMENT OF HON. MYRA PEARSON, CHAIRWOMAN, SPIRIT LAKE NATION;
ACCOMPANIED BY DAVID GIPP, PRESIDENT, UNITED TRIBES TECHNICAL COLLEGE

This testimony is provided by Myra Pearson, Chairwoman of the Spirit Lake Tribe and also Chairwoman of the Board of Directors of United Tribes Technical College, on behalf of the Spirit Lake Tribe and United Tribes Technical College (UTTC or "United Tribes"). The testimony focuses on the assistance United Tribes Technical College can provide regarding the urgent need for additional training for law enforcement officers in Indian country.

At present, legislation is pending before the United States Senate, S. 797, the "Tribal Law and Order Act of 2009", that addresses to some degree the issues of training, retention and recruitment of law enforcement officers in Indian Country. The issue of training is particularly addressed in Title III of S. 797. Section 301(a) of the proposed legislation amends the Indian Law Enforcement Reform Act to create the possibility that graduates of state academies and law enforcement training programs of colleges and universities, including tribal colleges, will not be required to attend the entire 16 week course at what is now the only Indian Police Academy, located in Artesia, New Mexico.

This same theme is repeated in a recent Report sent to Senator Byron Dorgan from the Department of Interior, dated February 3, 2010, called "Protecting Indian Country." In that Report, the Bureau of Indian Affairs also emphasizes the need to allow graduates of other state police officer training academies and colleges and university criminal justice programs that satisfy the standards established by the Federal Law Enforcement Training Accreditation commission to take a modified, or "bridge training" program to be able to be certified as BIA law enforcement officers. It is contemplated in that report that UTTC could become a center for "bridge training." While we agree with being a "bridge training" partner, we do not agree that this is the only role for United Tribes.

UTTC agrees that "bridge training" can become a significant part of the entire BIA and Tribal law enforcement training mechanism, and fully anticipates playing a major role in providing such "bridge training." Yet there remains a need for a BIA Law Enforcement Academy in the Northern Plains. For reasons discussed in this testimony "bridge training" by itself will not provide sufficient new officers to meet the needs of Indian country. Therefore, UTTC has proposed in the past, and again is proposing in this testimony, that a Northern Plains Indian

Police Academy be established at UTTC that will be comparable to the academy in Artesia, New Mexico. This is largely in response to listening to the complaints of Tribal Nations for the past 30 years about the constant shortage of basic law enforcement officers.

The Need for a Northern Plains Indian Police Academy and the Argument for Placing the Academy at United Tribes Technical College

Indian Country Crime

The Senate Committee on Indian Affairs hearings in the 110th Congress confirmed a longstanding crisis in public safety on many Indian reservations. Tribal communities face violent crime rates 2.5 times the national average. The crime rates exceed 20 times the national average on some reservations. Domestic and sexual violence are especially prevalent. It is estimated that, under current circumstances, more than 1 in 3 American Indian and Alaska Native women will be raped in their lifetimes, and 2 in 5 will be subject to domestic violence.

The Senate hearings revealed two primary causes for the violence: (1) a divided and complex system of justice; and (2) the lack of resources for federal and tribal justice systems.

With regard to resources, the lack of police presence is a particular concern. The lack of police presence is compounded by a lack of capacity for training, both basic and advanced, for both Bureau of Indian Affairs (BIA) and tribal police officers.

Police in Indian Country

The BIA Office of Justice Services is the primary federal agency responsible for investigating and preventing crime in Indian Country. The BIA has a service population of about 1.7 million American Indians and Alaska Natives who belong to 562 federally recognized Tribes. The BIA supports 191 law enforcement programs with 40 BIA-operated programs and 151 tribally-operated programs.

The Bureau provides a wide range of law enforcement services to Indian country. These services include police services, criminal investigation, detention program management, tribal courts, and officer training by the Indian Police Academy.

One of the most basic needs throughout Indian country is additional officers on the street. Less than 3,000 federal and tribal officers patrol 56 million acres of Indian lands. On many reservations there is no 24-hour police coverage. Police officers often patrol and respond *alone* to both misdemeanor and felony calls. As a result, tribal and BIA police officers are placed in great danger because back up can be miles or hours away, if available at all.

In its 2006 gap analysis, the BIA estimated that tribal police officers were staffed at 58% of need, which amounted to an unmet need of 1,854 additional police officers on Indian lands. While funding in recent years has helped to begin to address this gap, significant police staffing remain for many tribal communities. The recent report dated February 3, 2010, submitted to

Senator Dorgan relating to law enforcement in Indian country, as referenced above, also emphasizes this fact¹.

Amnesty International's Maze of Injustice Report (April 2007) and the National Public Radio report titled Rapes on Indian Lands Go Uninvestigated (July 25, 2007) made particular note of the lack of police presence on the Standing Rock Sioux Reservation in North and South Dakota. The Standing Rock Reservation suffered a violent crime rate that was 8.62 times the national average in 2008. (BIA 2008 violent crime statistics). In early 2008, the Tribe had only 9 BIA officers patrolling the 2.3 million acre Reservation.² Often only 1 officer was on duty to respond to calls for distress on the Reservation. As a result, victims of crime reported waiting hours and in some cases days for a response to their call.

The Indian Police Academy in Artesia, New Mexico

Presently, most uniformed police officers attend the BIA Indian Police Academy (IPA) located in Artesia, New Mexico. It is an agency requirement that all BIA officers receive their initial training at the IPA. The IPA is a satellite facility of the Federal Law Enforcement Training Center (FLETC) operated by the Department of the Treasury.

The IPA offers an intensive basic police officer training course for new officer candidates. The basic training runs three times a year for 16 weeks. Each session has 50 students. The 16-week course covers academic/classroom training, and field training in areas relating to firearms, driving, and investigations and enforcement. The IPA also offers 20 supplemental programs for certified officers. These programs include specialized trainings relating to corrections, supervision, criminal investigations and many other advanced topics.

While the IPA provides an outstanding training opportunity for potential tribal police officers, the Academy has an annual attrition rate of 47%, and only graduates an average of 80 officers each year. Of those graduates, it has been reported that one-half will leave law enforcement as a career or move to an agency outside of Indian Country. This leaves tribal communities with a considerable unmet need for additional trained officers.

Need for an Additional Indian Police Academy

While the Artesia IPA is convenient for Tribes in the southwest U.S., Tribes in other regions have long sought an additional police officer training center. Most complaints with the Artesia IPA stem from its isolated location and the duration of the 16-week basic training program.

¹ Yet, this same report proposes to add back into the system at least five regional BIA police offices, with a considerable annual cost for staffing these facilities. No satisfactory justification for the increases in cost and staffing new regional offices is provided in the February 3, 2010, BIA report; see pp. 21-22.

² Due to the emergency crime situation at Standing Rock, BIA police officer staffing on the Reservation was increased through the efforts of Operation Dakota Peacekeeper from May 2008-February 2009. However, the BIA has acknowledged that this and similar operations are not long term solutions as they rely on borrowing officers from other Indian reservations.

These factors make it difficult to recruit new BIA police officers who are required to receive their initial training at the Academy.

A 1998 joint Report by the President's Executive Committee for Indian Country Law Enforcement Improvement (led by then-Interior Secretary Babbitt and Attorney General Reno) supported the concept of establishing an additional Indian police training center. The Report noted that "any new facility should be accessible to land and air transportation. The facility could be associated with a university or tribal college.... Ideally, it should be large enough for a driving course and firearms range. In addition, the new academy could be affiliated with a laboratory structure that can address the forensic needs of Indian Country."

The Report concluded that any new training unit should ensure that new officers meet federal standards. In addition, the Report noted that BIA and tribal officers should strive to meet state police officer standards training (POST) so that training received by officers at the IPA is accepted by that state. The Clinton and Bush Administrations prepared to act on this recommendation, but federal law enforcement funding was redirected to address national security concerns raised by the attacks of September 11, 2001.

Location of Regional Academy: United Tribes Technical College

Tribes in the northern Great Plains have long sought a local academy to better serve their law enforcement needs. One justification for an academy in the Great Plains is that a high percentage of Great Plains Tribes rely on direct law enforcement services from the BIA, and BIA officers are required to obtain IPA training. In addition, as illustrated above by the situation at Standing Rock Sioux Tribe, many of the Great Plains Tribes face high rates of violent crime and attendant high numbers of police officer vacancies.

United Tribes Technical College in Bismarck, North Dakota is a ready fit for placement of an Indian Police Academy in the Northern Great Plains for a number of reasons:

- **Criminal Justice Program.** The College is fully accredited by the Higher Learning Commission of the North Central Association of Colleges and Schools, and has offered an Associate of Applied Science degree in Criminal Justice for almost 40 years. Classes offered by the College include: Juvenile Justice, Criminal Investigations, Corrections Training, Police Administration and many others.
- **Reduce the Geographic Disparity and Attrition.** Placing training in a key area of the Northern Plains for Tribal Nations populations will bring training to the largest area of need and demand as to Indian Country population. It will also reduce the attrition of trainees who are located too far away from family and tribe when they are sent to Artesia. It will reduce the cost to Indian Tribes and the BIA by having training on the Northern tier. Added travel and related costs will be reduced. It will assure that more tribes take advantage of available basic and advanced training at a center located at United Tribes.

- **Existing MOU with BIA.** Further, the BIA has an existing Memorandum of Understanding between UTTC and the American Indian Higher Education Consortium, (finalized in May of 2008), in which UTTC will provide supplemental in-service training to BIA and tribal police officers as may be agreed upon by the BIA. UTTC can provide a method for ensuring that appropriate Tribal Colleges and Universities are a part of a 21st Century model in quality and appropriate tribal and Federal Indian law enforcement training.
- **Intertribal structure of UTTC.** UTTC is an inter-tribal organization that operates a career and technical training center under an Indian Self-determination Act contract with the Bureau of Indian Affairs. It is operated by the five tribes that have a presence in North Dakota. Its regional services, offered in a variety of subject areas across the northern Great Plains, are highly respected in Indian country.
- **Location.** UTTC's location adjacent to the Bismarck Airport and in south-central North Dakota would enable it to more easily meet the law enforcement training needs of BIA and tribal officers located in Iowa, Michigan, Minnesota, Montana, Nebraska, South Dakota, Wisconsin, and Wyoming. There is easy air access to Bismarck with two major airlines, and a major freeway connecting points east and west goes through Bismarck.
- **Placement of BIA Officer.** A senior BIA police official has been placed at UTTC in 2008 to assist in developing further the criminal justice and officer training capacity of UTTC. The result of this placement will be special courses offered at UTTC, such as "Policing Indian Country," which are not offered anywhere else.
- **Cooperative relationship with local and state jurisdictions.** UTTC has a working relationship with the City of Bismarck and Burleigh County which are developing a centrally located law enforcement training center in Bismarck, ND. As the training centers for both UTTC and the regional state center are developed, it is intended that a cooperative relationship is established to jointly use training components such as a shooting range, driving course, other specialized training equipment and training facilities. This will reduce costs and afford better qualitative training.
- **Availability of potential educators and trainers.** UTTC's location in the State capitol of Bismarck makes it readily available to pool potential educators and trainers from the U.S. Attorney's office and other tribal and state justice systems.
- **Diversity of student body.** UTTC serves as many as 75 different tribes in any given school year. The diversity of its student body provides students with access to many different cultures that provides an excellent atmosphere for the kind of police training required for modern police officers.

- **A Career Ladder for Tribal and BIA Law Enforcement.** United Tribes currently offers a certificate, a two year degree and will soon be offering a four year degree in Criminal Justice. With the exception of a certificate, the current BIA law enforcement training does not offer any of these options. The UTTC option, with a Northern Plains Tribal Law Enforcement Academy and Resource Center would attract and offer more American Indians into the field of law enforcement with a far better opportunity for career advancement.
- **Potential for college credit for training programs, including advanced training.** UTTC also has the potential to provide college credit for the basic training programs and advanced training programs that could be offered through a Northern Plains Indian Police Academy. Thus, officers trained at a Northern Plains Indian Police Academy at UTTC could, as they see the opportunity to do so, receive at some later point in time a two-year or even a four-year degree and have the basic training received count for a part of that degree
- **UTTC has some infrastructure in place already for such an academy.** UTTC, which has been educating students for 41 years, has not only the necessary land area for a police academy, but has a wide array of student services ranging from food to parking to housing to counseling to academic courses that could fit into such an academy.

UTTC would require some infrastructure improvements in order to offer all the training opportunities currently offered by the IPA in Artesia. These infrastructure improvements fit within the larger goals of UTTC to increase its capacity and better serve its students. UTTC's Board of Directors, composed of the Tribal Chairs of the five tribes within North Dakota, already has made strong commitments to this effort. These commitments include providing basic and advanced training to law enforcement and correctional officers in Indian country, including Tribally operated police and BIA police forces. Some of the funds that are otherwise scheduled to provide regional offices for BIA police could be rerouted to provide the funds necessary for an IPA at UTTC.³

Further, UTTC has indicated its basic support for the "bridge training" concept that it has discussed with BIA officials, but does not see this effort as its primary role. "Bridge training" does not fully meet the needs of Indian Country for more law enforcement officers for several reasons:

- Such training would be offered to those who have already attended another training academy in one of 22 states whose training programs are already FLETC certified. Most state law officer training programs require that the trainee already be hired by a particular law enforcement jurisdiction before entering the program. Thus, "bridge training" only

³ See February 3, 2010, BIA Report on Law Enforcement, p. 21-22.

reaches and recruits those already trained for a state program who might wish to work in Indian country, rather than recruit directly from Tribal citizens in Indian country.

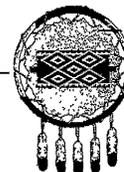
- A similar concern occurs for those who would undergo “bridge training” following a college or university law enforcement set of courses. Presumably, such individuals are seeking a two-year or four-year degree to enter at some other level of law enforcement than simply being a BIA officer in the field. It is not clear that recruitment of these kinds of students to become a BIA officer will be successful enough to fill the needs for BIA and Tribal law enforcement officers in Indian country.
- With the limited number of positions available at Artesia, there are many Native Americans interested in law enforcement who simply never get a chance to get the basic training required to become a BIA or Tribal law enforcement officer. With an Indian Police Academy at UTTC, an opportunity for direct training would be provided that would encourage new individuals to become law enforcement officers in Indian Country.
- Tribal Nations throughout Indian Country have repeatedly complained about severe personnel shortages at the local community level. This includes persons who are basic law enforcement officers, jailers, criminal investigators and other support and specialized staff. On the Northern Plains shortages have been a topic for the past 30 years. It is time to do something about this critical matter.

As a result of the above, UTTC proposes that Section 301 of the Tribal Law and Order Act of 2009 be amended, if necessary, to include authorization for the establishment of another Indian Police Academy at a different site, preferably a Tribal college. We recognize that there is a substantial cost for the establishment of another Indian Police Academy, and there will be a need for additional appropriations over a several year period to construct and equip such an Academy, as well as additional ongoing costs to provide the instruction needed at such an Academy. But we believe without such a facility, the recruitment of officers contemplated through a “bridge training” program will be greatly insufficient to meet the ongoing need of Indian Country for qualified law enforcement officers.

We appreciate the emphasis the Senate Committee on Indian Affairs has placed on issues of law enforcement in Indian Country; the support of this Committee for this particular effort surrounding increased police training and recruitment is vital. Thank you for the time to testify before you today and we look forward to working with the Committee in the future on the critical efforts of training and recruiting law enforcement officers to serve Indian Country.

Attachment

UNITED TRIBES TECHNICAL COLLEGE
3315 UNIVERSITY DRIVE
BISMARCK, NORTH DAKOTA 58504 • PHONE 701-255-3285 • FAX 701-530-0605



March 23, 2010

Hon. Tim Johnson
United States Senate
Senate Committee on Indian Affairs
Senate Hart Office Building, SH-136
Washington, D.C. 20510

Re: Oversight hearing held March 19, 2010 before the
Senate Committee on Indian Affairs regarding "Bureau of
Indian Affairs and tribal police recruitment, training, hiring and
retention" SUPPLEMENT TO TESTIMONY

Dear Senator Johnson:

This letter is to supplement the testimony of myself and Myra Pearson on behalf of United Tribes Technical College (UTTC), of Bismarck, North Dakota, at the hearing held before the Senate Committee on Indian Affairs last Thursday, March 23, 2010. Thank you for chairing the hearing.

First, I want to state emphatically that UTTC fully supports the efforts of the Assistant Secretary for Indian Affairs, Larry Echo Hawk, in his efforts to revamp and reform the provision of law enforcement on Indian reservations in the United States. We appreciate greatly the comments of Wizipan Garriott on behalf of the Assistant Secretary made at the hearing, and my comments at the hearing were not intended in any manner to be a criticism of Mr. Garriott's remarks, or of the commitment of the Assistant Secretary and Mr. Garriott to improve public safety in Indian Country.

Second, I want to thank Senators Jon Tester and Al Franken for their important efforts to create a new "Tribeally Controlled Nations Law Enforcement Model." My comments may well have suggested a new model for law enforcement efforts that is beyond the current capabilities of the Bureau of Indian Affairs. UTTC will continue to work proactively with the Assistant Secretary and within Indian Country to ensure that law officers can be trained in accordance with Federal standards and who will be available to serve throughout Indian Country.

I would ask that these remarks be included in the record of the hearing. Thank you again, Senator Johnson, for all of your efforts.

Sincerely yours,

David M. Gipp
President, United Tribes Technical College

cc: Chairwoman Myra Pearson

Senator JOHNSON. Mr. Posey?

STATEMENT OF HON. IVAN D. POSEY, CHAIRMAN, EASTERN SHOSHONE TRIBE

Mr. POSEY. Good afternoon, Mr. Chairman and Members of the Senate Indian Affairs Committee.

My name is Ivan Posey. I currently serve as Chairman of the Eastern Shoshone Tribe in Wyoming. And there are a few things here that I want to touch on this afternoon. I will ask that my written testimony be incorporated into the record for this meeting.

First is hiring, recruitment and retention. My meeting this morning with Bureau of Indian Affairs, Department of Interior, was regarding the hiring process. Although there are efforts to put more

law enforcement officers on the ground, we really feel that that process may be cumbersome. If a person was hired today, had to go to the Law Enforcement Academy, we might not have an officer on the ground for nine months to one year.

Right now, I had to correct the Senator when us guys were talking in the hallway there, that we have actually seven officers, and that includes the Chief of Police. We are including him as one of those law enforcement officers.

Right now, the retention, I think, is a problem with the Bureau of Indian Affairs because right now we are slated to have five more officers come in to help with the Wind River. Two will be coming from Poarch Creek, Alabama and two will be coming from Seminole, Florida. It is snowing in Wind River, and I am not too sure how well-trained they will be to address those kind of conditions as in Minnesota or whatever.

And I think by that process of robbing Peter to pay Paul just really doesn't work in Indian Country. By them supplanting some officers at our reservation that meet our needs, they are also taking officers away from their own duty station.

In my testimony today, in my written testimony, I mention I felt it not necessary to mention those officers that are detailed there, which would bring us up to 12 currently, because seven are the ones that are actually are going to be on duty there.

Housing continues to be an issue in Indian Country. I talked to the Wizi and the rest of the gentlemen this morning about there may be a disconnect between the regular Bureau of Indian Affairs and the stovepipe organization of law enforcement. I think that relates to the hiring process, to the facilities management, and there needs to be better coordination there.

Education, as Dr. Gipp mentioned earlier, is something that we all need to do in terms of getting our younger people involved with criminal justice degrees or law enforcement in general.

We also need to develop some type of training program where, I heard it mentioned earlier about the dangers of Indian Country and incorporating some of that knowledge into our new officers.

I think my time is up.

[The prepared statement of Mr. Posey follows:]

PREPARED STATEMENT OF HON. IVAN D. POSEY, CHAIRMAN, EASTERN SHOSHONE
TRIBE

Good afternoon. My name is Ivan D. Posey and I currently serve as Chairman for the Eastern Shoshone Tribe on the Wind River Indian reservation in west central Wyoming.

It is an honor to be able to provide testimony on a matter that is so important to the residents of the Wind River Reservation . . . public safety. I am also honored to provide this testimony to this prestigious committee on Indian issues which includes our own Senator, John Barrasso.

The law enforcement of the Wind River Basin is comprised of a very distinctive law enforcement dynamic. This dynamic is first illustrated in the land base, with the Wind River Reservation consisting of 2.2 million acres or roughly 3,472 square miles with 506 miles of paved roadways that encompasses all of Fremont County and a part of Hot Springs County. Aside from the land base the area has six different law enforcement agencies that have specific jurisdictions within this area. The first is the Bureau of Indian Affairs, Wind River Agency Law Enforcement; whose jurisdiction is primarily within the exterior boundaries of the reservation and specific to enrolled members of a federally recognized tribe. The Wyoming Highway Patrol jurisdiction is specific to 367 miles of state and county roadways and specific

to non-Indians within the exterior boundaries of the reservation. The Sheriffs of the counties of Hot Springs and Fremont have jurisdictions within their respective counties and also is specific to non-natives within the exterior boundaries of the reservation. Finally, the police departments of Lander and Riverton have jurisdictions that encompass their respective city limits.

The primary law enforcement agency of the Wind River Reservation is a force created and funded by the Bureau of Indian Affairs (BIA). The Shoshone and Arapaho tribes have a Law and Order Code that stipulates that the BIA Police force shall carry out the orders of the Shoshone and Arapaho tribal courts and in the community enforce the letter and spirit of the code in an impartial manner (S&A Code Title 1-1-4). Some of the regular duties the BIA Police manage is the prompt serving of all notices which the court requests such as arrest warrants, and warrants for search and seizures. The BIA Police currently has 10 active officers which includes a criminal investigator and Chief of Police. The current BIA Law Enforcement model with the Eastern Shoshone and Northern Arapaho Tribes stipulates seventeen officers, two criminal investigators, and one chief of police for the Wind River Reservation. However, due to the hiring process (background and training) and retention issues, the BIA police force has operated with an average patrolling force of seven officers in the 2004-2009 time spans and currently has seven officers on patrol. The seven officers work shifts that include two officers on duty in the day (6 a.m. to 6 p.m.) and four officers on duty in the night (6 p.m.-6 a.m.) to service the 2.2 million acres of the Wind River Reservation. Due to the low number of officers on duty at any given time, their work consists primarily of reactive patrolling as opposed to proactive patrolling. Thus, response to calls are prioritized to the most emergent situation, leaving community members waiting for hours, or no response at all, if their call is not deemed an emergency. Another issue that has become prevalent is the availability of officers for court appearances should an individual plead not guilty and the matter goes to trial. Due to daily work demands and scheduling there has been an increase in the number of dismissed cases due to an officer not appearing for court. Most predominant is the 256 driving under the influence arrests made in 2008 with only 68 resulting in convictions.

As you can see Wind River has operated the past five years with half the amount of officers that have been allocated to the area due to the dynamics in hiring, training, and retention. Including an eighteen month period in which the department did not have a chief of police. In examining the hiring process, the obvious starting position is the recruitment process. At Wind River there is not a local recruitment program available for individuals interested in a law enforcement career. Coupled with the computer software used for the applications, the process becomes tedious and unusable due to a lack of technological resources that most local residents do not possess. Once an applicant has placed an application for an open position a lengthy process begins starting with the selection process. BIA Human Resources is charged with making the selection dependant on qualifications. However, the H.R. for law enforcement for Wind River is also charged with making the selections for not only District V but two other districts as well. Due to the high volume of applicants in each of these districts, selections can take nine months to a year. Depending on whether the applicants accepts or declines the position, the next step is a full background investigation through the Office of Personal Management which depending on the applicant could take several weeks. This does not include if the individual will be required to attend the federal law academy.

Training has typically been an ominous proposition in hiring individuals as law enforcement officers on Wind River. In large part due to the length of time training consists of and in the number of opportunities the training was offered. Up until recently the 17 week Basic Police Officer Training Program offered through the Indian Police Academy was only held three times a year. This limit amount of training opportunities severely hampered getting individuals hired on patrol and created a bottle neck in the process. It was encouraging to hear that the BIA has recently increased the amount of training program opportunities from three times per year to fourteen in effort to streamline the process. However, some individuals serving in other law enforcement fields are often deterred from applying with the BIA due to their certifications not being recognized particularly the state law enforcement academies. Even though twenty-two state academies are recognized through the BIA it limits those individuals who have certifications from states that are not recognized.

Finally, retention is greatly affected by the lengthy hiring and training process with open positions not being filled in a timely manner it puts a strain on the law enforcement officers that are already on patrol. As mentioned above the long work shifts with little or no time off wears on the officers to the point of burn out which affects their ability to perform in a consistent and effective manner. Thus, weakening the departments' ability to serve and protect the communities that they are

assigned. This situation eventually leads to transfer requests or worse yet, resignations which in turn creates a perpetual cycle of hiring and training. In addition to burnout, retention is thwarted by the limited amount of housing or the lack of maintenance/upkeep of the available housing by Facilities Management. The housing issue often leads officers to pay extra for housing that is supposed to be provided as part of their duty assignment. This is particularly problematic in small rural communities such as Wind River, where housing is limited due to the availability and/or lack of development. One of the least discussed areas affecting retention is bred out of the nature of the work itself. It is not uncommon for the average law enforcement officer to experience the very worst of a communities' social ills. This includes but is not limited to handling situations spawned from substance use and abuse or handling of situations in which accidents occur that result in death. Experiencing a trauma directly or indirectly adversely affects an officers psyche which may have longer lasting affects in his/her professional or personal life. Currently the BIA does not have any stress management counseling to offer its officers to assist in managing situations that they may experience in the line of duty.

The BIA has taken steps over the course of several years to address the areas of concern that have mentioned above however the process needs to be continually addressed and streamlined. The common practice of detailing officers from other BIA or Tribal departments to those departments deficient in the number of officers on patrol has been an effective means of addressing the problem in the short term. However, the temporary fix in of itself does present some logistical issues. Most prevalent is invoking the "take from Peter to pay Paul" principle in which the shifting officers from one department to another only weakens the department in which the officers are based. A detail assignment typically only lasts thirty to forty-five days in duration, with half that time being used for the "foreign" officer adjusting to the laws and policy of the local area. An inevitable situation that is commonplace is the detailed officer making an arrest and the perpetrator pleads not guilty and is scheduled to trial. The situation may call for the detailed officer to testify well after the officer has completed his/her detail and has returned to their base department. The cost to return to the area for testimony is not covered by the department or is absorbed by the local prosecutor's office with the latter unable to incur that cost. This adds to the cases that are dismissed and affects convictions rates much like what was discussed earlier with the low number of convictions for DUI in 2008 for Wind River.

Hiring, training, and retention of law enforcement officers are areas in which the tribes of Wind River have identified as ongoing areas of concern. The Joint Business Council of the Eastern Shoshone and Northern Arapaho have taken the initiative to address these issues by first waving the Indian Preference criteria for BIA Law Enforcement Officers serving in Wind River on September 2009. This was made in an effort to broaden the selection process and increase the amount of applicants for the open positions. In addition the Joint Business Council created a Wind River Law Enforcement Commission that is charged with making all decisions concerning employment and discharge of tribally funded law enforcement officers. The hiring process that was instituted allowed for the hiring of two law enforcement officers to be on patrol within a three month span. Even though this process included the hiring of two individuals that were already certified the individuals received full background investigations and given clearance for duty. Thus laying the foundation for a hiring process that is expeditiously efficient in comparison to the current BIA process.

The Eastern Shoshone and Northern Arapaho Tribes are working cooperatively with surrounding law enforcement agencies to assist in creating a tribally driven law enforcement model for the reservation. This may include districting the reservation and have law enforcement officers stationed in areas that need consistent coverage. Currently the jail facilities are located in Fort Washakie where a officer may need to travel 30 miles to respond to a call. The law enforcement agencies have been very supportive and continue to participate in this important process.

In closing, there are several issues that can be addressed to make the system more effective. The first is having the hiring process done at the local level to alleviate the cumbersome process that currently exists. Second, re-establish Special Response Teams (SRT) to address shortfalls and high priority issues on reservations. This would help address officers being pulled from their duty stations and detailed elsewhere. Third, assist tribes to establish educational training for new officers to learn about the area they will serve. Lastly there needs to be access to counseling options for tribal and BIA officers that experience traumatic experiences. For our officers to be able to provide public safety to our citizens they need to be able to care for their needs foremost.

Thank you for your time and attention to this important issue and with the prayers of our Elders and community our homelands can overcome these concerns that have plagued our tribal communities for too long.

Senator JOHNSON. Thank you.
Mr. Gaikowski? Welcome.

**STATEMENT OF GARY GAIKOWSKI, CHIEF OF POLICE,
SISSETON WAHPETON OYATE LAW ENFORCEMENT**

Mr. GAIKOWSKI. Thank you. It is good to see you, Senator Johnson.

I would like to also read my statement that I have to submit.

Honorable Senator Tim Johnson and Members of the U.S. Senate Committee on Indian Affairs, on behalf of the Sisseton Wahpeton Law Enforcement of the Sisseton Wahpeton Oyate of the Lake Traverse Reservation at Agency Village, South Dakota in northeastern South Dakota and southeastern North Dakota, we thank the United States Senate Committee on Indian Affairs for providing the opportunity to present testimony with regards to the subject of the Bureau of Indian Affairs tribal police recruitment, hiring, training and retention.

These are critical areas of concern for our Sisseton Wahpeton Law Enforcement Agency, and we are prepared to provide testimony at this time. The Sisseton Wahpeton Law Enforcement on Lake Traverse Reservation exercises policing and detention responsibility for the resident tribal population of 6,800 tribal members who reside throughout a five-county rural area in northeastern South Dakota and two rural counties in southeastern North Dakota.

Our responsibilities include the protection of 14 tribal member communities throughout this million acre area in two States.

Our agency operates and is partially funded by P.L 93-638 self-determination contract to the Bureau of Indian Affairs, and has the unique distinction of being funded by non-Federal funds from our own tribal government, which provides fully 50 percent of the funds from tribal revenues so as to assure minimum operational costs in needs in law enforcement for our reservation.

Our Tribal Law Enforcement Agency views the subject of recruitment of police and detention officers as being an extremely critical need for our overall community. Our experiences indicates that recruitment of tribal members from our communities to serve as police and detention officers is an essential ingredient in assuring effective law enforcement for the benefit of our residents.

Funds currently are needed to put in place an effective police and detention officer recruitment program, particularly for younger tribal members who are enrolled in elementary, secondary schools and at our local college. We assert this need based upon the fact that fully 40 percent of our resident tribal member population is less than 16 years of age. Hence, it would be an advantage to target this significant portion of the resident population for recruitment as tribal police and detention officers.

We stand prepared to network and coordinate recruitment efforts with our tribally-owned and operated schools and college, provided that Federal funding initiatives are made available for these initiatives.

Secondly, the hiring and training of police and detention officers for our Law Enforcement Agency is also a critical area of concern and priority. The majority of applicants for police and detention positions in our agency do not have prior or previous experience in law enforcement or detention. Our Agency, therefore, is compelled to utilize limited Federal BIA and tribal funds to send our newly hired police officers to training at the BIA Indian Police Academy on an annual basis, since our Agency is required to employ personnel who are BIA-certified as police officers.

The provision of training also is direly needed to maintain our certification of officers on a full-time basis. Due to this situation, we therefore urge that Federal funds be appropriated for more training opportunities for our police and detention officer applicants on an annual basis.

Such an initiative would empower our Agency to link recruitment with the hiring and training of eligible applicants to become employed as police and detention officers in our Law Enforcement Agency.

Thirdly, the retention of police and detention officers in our Law Enforcement Agency also is a matter of great concern. Currently, due to limited Federal funding, it has been a challenge to provide a level of salaries for our police and detention offices at a comparable level of pay, as is the case for their counterparts employed by the Bureau of Indian Affairs. Without the full support and endorsement of our tribal government, which provides non-Federal funds for our Agency, we would not be able to provide an adequate salary for our police and detention officers.

In order for our Agency to retain good and effective police and detention officers, we therefore urge more Federal dollars for salaries of our officers, which would enhance and ensure retention of our officers. Our Agency currently requires 16 police officers on a full-time basis. We now have 12 officers employed, which places much stress on our officers.

Our detention staff require the services of seven detention officers, and we currently employ three detention officers on a full-time basis, which again has served to overextend our detention officers.

Any consideration that Congress can provide for our situation would be greatly appreciated in our time of need.

In closing, we want to express our appreciation to the U.S. Senate Committee on Indian Affairs for providing us with the opportunity for preparing and submitting testimony today.

[The prepared statement of Mr. Gaikowski follows:]

PREPARED STATEMENT OF GARY GAIKOWSKI, CHIEF OF POLICE, SISSETON WAHPETON
OYATE LAW ENFORCEMENT

Honorable Senator Byron L. Dorgan, and members of the U.S. Senate Committee on Indian Affairs:

On behalf of the Sisseton Wahpeton Law Enforcement of the Sisseton Wahpeton Oyate of the Lake Traverse Reservation, at Agency Village, SD, in northeast South Dakota and southeast North Dakota, we thank the United States Senate Committee on Indian Affairs for providing the opportunity to present testimony with regard to the subject of Bureau of Indian Affairs and tribal police recruitment, hiring, training, and retention. These are critical areas of concern for our Sisseton Wahpeton Law Enforcement agency, and we are prepared to provide testimony at this time.

The Sisseton Wahpeton Law Enforcement on the Lake Traverse Reservation exercises policing and detention responsibilities for a resident tribal population of 6,800 tribal members who reside throughout a 5 county rural area in northeast South Dakota and two rural counties in southeast North Dakota. Our responsibilities include the protection of 14 tribal member communities throughout this million acre area in two States. Our agency operates and is partially funded by a P.L. 93-638 Self Determination Contract from the Bureau of Indian Affairs and has the unique distinction of being funded by non-federal funds from our own tribal government, which provides fully 50 percent of funds from tribal revenues, so as to assure minimum operational costs and needs in law enforcement for our reservation.

Our Tribal Law Enforcement Agency views the subject of recruitment of police and detention officers as being an extremely critical need for our overall community. Our experience indicates that recruitment of tribal members from our communities to serve as police and detention officers is an essential ingredient in assuring effective law enforcement for the benefit of our residents. Funds currently are needed to put in place an effective police and detention officer recruitment program, particularly for younger tribal members who are enrolled in elementary, secondary school, and at our local college. We assert this need based upon the fact that fully 40 percent of our resident tribal member population is less than 16 years of age, hence it would be an advantage to target this significant portion of the resident population for recruitment as tribal police and detention officers. We stand prepared to network and coordinate recruitment efforts with our tribally owned and operated schools and college, provided that federal funding initiatives are made available for these initiatives.

Second, the hiring and training of police and detention officers for our Law Enforcement Agency also are critical areas of concern and priority. The majority of applicants for police and detention positions in our Agency do not have prior or previous experience in law enforcement or detention. Our Agency therefore is compelled to utilize limited federal-BIA and tribal funds to send our newly hired police officers to training at the BIA Police Academy on an annual basis, since our Agency is required to employ personnel who are BIA certified as police officers. The provision of training also is direly needed to maintain our certification of officers on a full time basis. Due to this situation, we therefore urge that federal funds be appropriated for more training opportunities for our police and detention officer applicants on an annual basis. Such an initiative would empower our Agency to link recruitment with the hiring and training of eligible applicants to become employed as police and detention officers in our Law Enforcement Agency.

Third, the retention of police and detention officers in our Law Enforcement Agency also is a matter of great concern. Currently, due to limited federal funding, it has been a challenge to provide a level of salaries for our police and detention officers at a comparable level of pay as is the case for their counter parts employed by the Bureau of Indian Affairs. Without the full support and endorsement of our Tribal government, which provides non-federal funds for our Agency, we would not be able to provide adequate salaries for our police and detention officers. In order for our Agency to retain good and effective police and detention officers, we therefore urge more federal dollars for salaries of our officers, which would enhance and assure retention of our officers.

Our Agency currently requires 16 police officers on a full time basis, and we now have 12 officers employed, which places much stress on our officers. Our detention center requires the services of 7 detention officers, and we currently employ 3 detention officers on a full time basis, which again has served to over extend our detention officers. Any consideration that Congress can provide for our situation would be greatly appreciated in our time of need.

In closing, we want to express our appreciation to the U.S. Senate Committee on Indian Affairs for providing us with the opportunity of preparing and submitting testimony today.

Senator JOHNSON. Thank you, Mr. Gaikowski.

Mr. Posey, do you know how many of your officers are from your own reservation?

Mr. POSEY. I would say, Senator, four are from our own reservation.

Senator JOHNSON. Those coming in sound like they are from down south.

Mr. POSEY. Yes. Right now, the four that are there and the ones that are going to be hired bring that number up to 12, but in terms

of retention, we have lost three tribal police officers over the last year and a half due to burnout. I mean, I mentioned in my written testimony that they are working 12-hour shifts and they continually get to the burnout stage. So we have lost three tribal members that were police officers that actually just resigned.

Senator JOHNSON. Yes. Do you think a regional training center would alleviate some of the law enforcement shortage?

Mr. POSEY. I do, Senator. I know in the past there has been a bottleneck in Artesia in terms of getting people through the Academy. Now, that bottleneck has been fixed, I believe. But I think if it was a little bit closer, I know a couple of people from the reservation who are tribal members went down and didn't make it through the Academy in the last couple of years. I don't know whether that is the academic or the physical aspect of the training, but they did not complete the Academy.

Senator JOHNSON. Do you think there would be lots of shortage of law enforcement if the tribe ran the police force under a 638 contract?

Mr. POSEY. You know, I am not too sure, Senator. I think the hiring process, the recruitment process really needs to have some aspect of being tribal-driven. I think, for example, we got a grant, a COPS grant where we hired two highway safety officers this last fall. It took us about two to three months to have those actual officers on the ground and doing highway safety, their duties in highway safety, although they do help respond to other emergency calls.

But like I mentioned earlier, the process through the Bureau may take nine months to a year to get an officer on the ground, where we could have done it two to three months. And of course, maybe the stars lined up in that instance, but it is a lot quicker system.

Senator JOHNSON. Mr. Gaikowski, Gary, how many of your officers are enrolled tribal members of the Sisseton Wahpeton Oyate?

Mr. GAIKOWSKI. They all are, all 12.

Senator JOHNSON. That is unusual.

Mr. GAIKOWSKI. Yes.

Senator JOHNSON. Yes. Do you think a regional training center would help with the problems on the Lake Traverse Reservation?

Mr. GAIKOWSKI. Well, I graduated in 1994 at the IPA. And I think, speaking with other Chiefs and other people in law enforcement, both tribal and Bureau, they would like to see the IPA still in charge of the Academy. I think this change in the Academy, they didn't like. I think it was a good Academy. It was tough and, you know, you want to be in law enforcement, you will get yourself through the Academy.

Senator JOHNSON. What are the advantages or disadvantages of being a 638 tribal contract?

Mr. GAIKOWSKI. I think we hold to a better standard of working with the tribal programs and with the community. We know each other in the community. That is our families, our relatives, our friends. If you are from another reservation, it is a whole other, not all tribes are the same.

We are all different. And you know, you are coming from another reservation and going, like you said, from going from Florida to Wyoming, that is a change. And you know, you are going to be

probably treated a little bit different as an officer, and you are treated different as an officer even when you know the people. That is a given.

Senator JOHNSON. Do you officers cover the entire area within the traditional boundaries of your reservation?

Mr. GAIKOWSKI. We are a checkerboard reservation. We only cover the fee lands and tribal lands.

Senator JOHNSON. Do you cooperate with the county of Roberts County?

Mr. GAIKOWSKI. We have a very good working relationship with the local law enforcement there, county, State. We help each other out a lot. They are short-staffed, too. We are, you know, we are short-staffed. We have actually, three of ours are in the new class right now at IPA.

Senator JOHNSON. Do you see the opportunities for reciprocity as a good one or is given to misunderstandings?

Mr. GAIKOWSKI. I, for South Dakota, of course, we have those tensions there. I think South Dakota is going to have to recognize our Academy. I think we have a good Academy. I have seen the State Academy. I have sent officers to the State Academy. I think we have a better Academy down there in Artesia.

I think that is what it is going to take is the State of South Dakota recognize our Indian Police Academy.

Senator JOHNSON. Why do so many Academy candidates drop out? You were there.

Mr. GAIKOWSKI. Yes. We did lose about half of our class also when I was down there. Since I have been in charge for 10 years, I have probably lost I would say 50 percent of my staff when we sent them down to the IPA. I think it is the stress of the job. I lost an officer this summer, a very good officer, and it was job-related. I mean, it was just too many calls. He responded to infant deaths, and it affected him.

I have lost two officers this past summer also to recruitment to the BIA. They can recruit right under our feet, our offices. Out of that increase we got for fiscal year 2010 here, I took my \$125,000. I put it to salaries for my existing staff.

Senator JOHNSON. Thank you.

Senator Franken, I have a note, two roll call votes at 4:15 just started.

Senator FRANKEN. Okay, I will try to get through my questions fast.

Mr. Posey, you did mention that it took nine months for you to get an officer through the BIA, but two months when you did it yourself. Is that right?

Mr. POSEY. Yes, in a sense, Senator.

Senator FRANKEN. Okay. Do you share Ms. Pearson's skepticism about the BIA, about their effectiveness?

Mr. POSEY. I do share some of that skepticism that she mentioned in terms of the system needing to be addressed and needing to be fixed. I think we are at a certain time in our history here where a lot of tribes, including the tribes at Wind River, are trying to develop our own law enforcement model that is tribally driven. We just need the BIA to be on the bus when we are driving it.

Senator FRANKEN. Would you say, outside of law enforcement, would you say this is a problem just in general?

Mr. POSEY. I think it is just in general for the BIA to some respect. I think in our community on the Wind River, the law enforcement agencies work pretty well together. Of course, our reservation is one of the unique reservations. It has about 80 percent tribal trust land. So the majority of our land on our reservation is not checkerboard, although we are surrounded by a couple of towns. And of course, the county overlaps that.

Senator FRANKEN. I am just talking about on education, on health care, how you assess the BIA's performance.

Mr. POSEY. I think it has not been adequate for Indian Country.

Senator FRANKEN. Okay. Why is it so hard, with unemployment so high in Indian Country, why is it so hard to recruit from your own people?

Mr. POSEY. I think everything is all interconnected, Senator. I think we have to get more adequate funding and more effective models to address substance abuse, drug abuse. I think have strong preventive and reactive programs. Our proactive programs, we are always on our heels in Indian Country in terms of law enforcement. Drug abuse, substance abuse, sometimes that lays claim to getting something done proactively.

Senator FRANKEN. Are you saying that drug abuse and alcohol abuse lowers the recruitment pool? Or you are saying it makes it hard to recruit people because they have to deal with those problems? Or is it both?

Mr. POSEY. A little of both. I think that some may have problems. I mean, we, as one tribe, I know many tribes do have drug testing policies and stuff. And the numbers do show that those are serious issues in our area. But I think people feel safer, people have better access to programs. Whether they may have a problem is going to only enhance their ability to want to do better for themselves and our tribal communities.

Senator FRANKEN. Okay. I have just got a note that I have to vote as soon as possible, so I thank you.

Mr. Gaikowski, I wanted to ask you about recruiting from your people because it was unusual that you have so many officers from your reservation, but I got this note that I have to go.

I want to thank you both for your testimony and for your service. Thank you.

Senator JOHNSON. Thank you for your public service and you may be excused.

[Whereupon, at 4:20 p.m., the Committee was adjourned.]

A P P E N D I X

PREPARED STATEMENT OF HON. MICHAEL O. FINLEY, CHAIRMAN, COLVILLE CONFEDERATE TRIBES

Dear Chairman Dorgan and Vice-Chairman Barrasso:

Thank you for the opportunity to provide information to the Senate Committee on Indian Affairs in anticipation of the Committee's planned oversight hearing on Bureau of Indian Affairs and tribal police recruitment, training, hiring, and retention.

As you know, the Colville Indian Reservation encompasses approximately 2,275 square miles and is in north-central Washington State. Although now considered a single Indian tribe, the Confederated Tribes of the Colville Reservation is, as the name states, a confederation of 12 aboriginal tribes and bands from all across eastern Washington. The Colville Tribe has nearly 9,300 enrolled members, making it one of the largest Indian tribes in the Pacific Northwest. About half of the Tribe's members live on or near the Colville Reservation.

In addition to the Tribal members who live on the reservation, Colville Tribal Police also provide 24/7 law enforcement service to non-Tribal members who live and work on the reservation. Since the reservation covers Okanogan and Ferry counties, Tribal officers receive full deputy commissions from both counties once they have successfully completed police academy. Receiving these commissions enables Tribal officers to better serve Tribal members since many times they respond to households that have both members and non-members residing there. The downside to this arrangement is that neither county patrols their respective areas of the reservation. Additionally, Grant County Sheriff's Office does not address law enforcement issues on Tribal trust lands in the Grand Coulee Dam area, leaving these Tribal members without immediate assistance.

The Colville Tribal Police Chief, Matt Haney, spent 30 years working as an officer and deputy in both Washington State and Alaska for agencies ranging in size from 4 officers to 700. His experience did not fully prepare him for the challenges that he and his staff every day. To illustrate, it takes at least 2 ½ hours to drive from the northeast corner to the southwest corner of the reservation! Typically Tribal PD has only three officers working at any one time, meaning that an officer's backup is at least 30 or more minutes away. And, with the counties not providing deputies to cover their portions of the reservation potential assistance from them is dramatically reduced.

Coupled with the vast areas Tribal officers must cover are the exceptionally high rates of violent crime. Statistics don't tell the whole story, but in 2009 on the Colville reservation alone there were three homicides, two non-fatal gang shootings, one "drive-by" shooting, two armed robberies, six fatal traffic collisions, five near fatal collisions and over 27,000 marijuana plants were eradicated. This doesn't take into consideration the many other assaults, drug arrests, DUI arrests, arson investigations and incidents of domestic violence and child abuse.

Now combine the huge coverage area and the violent crime with substandard pay, and recruiting men and women interested in law enforcement to become a Tribal Police Officer is incredibly challenging. We conducted a comprehensive police officer and dispatcher salary and benefits survey in 2009. The survey focused on local area agencies that we must compete against for recruits. The officers were found to be between 20 and 36 percent under compensated and the dispatchers were an astounding 54 to 60 percent below the comparable average. The dedicated employees who have chosen to continue working here are a credit to their professions, but I can completely understand why some have chosen to leave and others don't apply with us.

We will continue to actively recruit police and dispatcher candidates. The strategy we are pursuing for this summer is a "junior police academy" that targets young people between the ages of 16 and 21. The potential for attracting new law enforcement candidates makes this project worth the effort, and it is one of the few strategies that cover both the future and present. But even this is not without significant hurdles; besides the necessary advertisement and logistical preparation I am still searching for the \$6,000 to fund this project.

I believe the solution to this challenge is straight forward, bring the compensation for Tribal officers and dispatchers up to comparable rates, increase the BIA share of providing law enforcement, and transfer administration of funding for BIA law enforcement for Northwest tribes back to the Portland, Oregon, regional office. It is amazing to me that the BIA share of law enforcement funding the Colville Confederated Tribes is only 50% of the total costs.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. BYRON L. DORGAN TO
JOSEPH W. WRIGHT

Question 1. The Federal Law Enforcement Training Center training budget is \$259 million in FY 2010. The President's request would cut training by approximately \$50 million. The Bureau of Indian Affairs (BIA) training budget is \$4 million.

Has the Department of Homeland Security spoke with the Department of the Interior about consolidating the BIA police training function? Will you consider that possibility in the future?

Answer. The 2011 President's Budget requests \$5.1 million for the Indian Police Academy at the Federal Law Enforcement Training Center (FLETC), with the budget for the Department of the Interior (DOI). This is equal to the 2010 enacted level, and a \$1.0 million increase over the 2009 budget.

DOI has already consolidated all of its Basic Law Enforcement Training at the FLETC. The Bureau of Indian Affairs (BIA) has participated as a Partner Organization with the FLETC since 1989 when they closed their stand alone academy in Brigham City, Utah, and moved their operations to the FLETC Marana, Arizona site. In 1993 the FLETC Marana site was closed and the BIA relocated to the FLETC Artesia, New Mexico site. The BIA is currently participating fully in the same basic law enforcement program used by the other law enforcement agencies within DOI.

Question 2. Congress has substantially increased funding to hire additional BIA and tribal police officers, but the BIA vacancy rate remains at 44 percent.

Have you seen vacancy rates for other Federal law enforcement agencies that are that high or have comparable problems?

Answer. The BIA historically has had a vacancy rate that far exceeds most Federal law enforcement agencies.

Question 2a. Do you have an opinion as to why the BIA's rate is so high?

Answer. There are several factors that may contribute to the high vacancy rate within the BIA. One deals with the recruitment of personnel to serve as law enforcement officers within Indian Country. Although the BIA receives ample applications

for vacant positions, filling them has been problematic. Moreover, once officers are recruited and trained, retention is more difficult than in other agencies. This stems from several factors, including the fact that BIA law enforcement ranks are two grades lower than most of their Federal counterparts. Additionally, the employment conditions that these officers face contributes to the high vacancy rate within the BIA. Crime rates within Indian Country far exceed the average within the United States. Staffing levels are low and officers are required to respond to most calls as one person units without assistance being available.

Question 3. In the Protecting Indian Country Report, the BIA has decided to do away with its long time paramilitary basic police training and instead use the Federal Law Enforcement Training Center's Land Management Police Training. On the FLETC website it describes the LMPT is "basic training for officers primarily charged with enforcing natural resource laws and regulations and violations." However, DOJ officials and tribal leaders have testified about the horrific crimes committed in Indian Country. Organized gangs and drug cartels are growing, and the crimes include murder, rape, child sex abuse, drug trafficking and other serious crimes.

Will the LMPT natural resources training prepare BIA and tribal police officers for the serious dangers that we know exist in Indian Country?

Answer. The LMPT program is a comprehensive law enforcement training program designed to address the full spectrum of challenges that BIA officers will face during their initial assignments. They receive training focused on gangs and drugs, and the connection between the two, and in-depth training in the investigation of criminal offenses to include: interviewing, crime scene preservation, report writing, constitutional law, evidence collection/preservation, officer safety and survival, defensive tactics, use of force and law enforcement driving skills. The LMPT also allows BIA officers to train with other Federal agencies with which they will interact on a regular basis and therefore is the first step in building coalitions and outside support systems they will need to accomplish their mission of protecting Indian Country.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. JOHN BARRASSO TO
JOSEPH W. WRIGHT

Question 1. The Committee has received testimony that candidates for the Indian Police Academy basic training must wait for several weeks, even months, before they can enter training due to the scheduling and class sizes at the Indian Police Academy. Your written testimony noted that through the new consolidated training approach of the Land Management Police Training program, the Federal Law Enforcement Training Center and the Indian Police Academy are able to meet the training needs of all law enforcement agencies, both large and small, as their training needs arise.

Can you explain how this new training regime has reduced the wait time for candidates to enter the Indian Police Academy and expedited their ability to report for duty on Indian reservations?

Answer. The LMPT program has 14 starts a year with 24 persons per class and programs conducted at both our Artesia and Glynco sites. This allows the Indian Police Academy (IPA) to request a class of 24 students, or place as few as one or two students into a program as they are hired. The positive consequence is instead of waiting several months to get into a program they can enter usually within weeks from being hired.

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
JOSEPH W. WRIGHT

Question 1. It is my understanding that the Indian Police Academy (IPA) in Artesia, New Mexico, has an attrition rate of 56 percent.

Is 56 percent an accurate estimate of the attrition rate at the IPA?

Answer. Under the "old" training program, BPOTP, the attrition rate for the last three years was 56 percent. However, under the current program, LMPT, we anticipate a reduced attrition rate.

Question 1a. Why do you believe the attrition rate is so high?

Answer. The attrition rate was high due to two major contributing factors; the first deals with hiring and recruitment of personnel. In order to graduate from the law enforcement training programs conducted by the FLETC, academic and physical standards have been established and must be met prior to graduation. These stand-

ards enable the FLETC to maintain Federal Accreditation from the FLETA. Secondly, the former training program (BPOTP) was very para-military driven while the new LMPT program is more law enforcement-centric. We believe this change in approach to training will be a key factor in the reduction of the attrition rate.

Question 1b. How does IPA's attrition rate compare to that in other federal law enforcement training centers?

Answer. The attrition rate experienced during use of the BPOTP program over its last three years was significantly higher than for other federal law enforcement training programs.

Question 2. We are all aware that there is a suicide epidemic in Indian Country. When a family or acquaintance of an individual calls emergency services in these situations, everyone involved are in a physically and mentally vulnerable state.

Are BIA police officers trained to be first responders to attempted/completed suicide situations?

Answer. BIA police officers are trained to respond to calls that involve possible suicide/homicide. Should it come to that, they also receive training in crime scene preservation and communications skills to help them deal with not only the investigation but to provide resources to family members, officers and others who may be impacted by an event.

