



Cheyenne River Sioux Tribe

Verbal Testimony

of

*Joseph Brings Plenty
Chairman
Cheyenne River Sioux Tribe*

Before the

*Committee on Natural Resources
Of the United States House of Representatives*

Concerning

Oversight Field Hearing on

The Needs and Challenges of Tribal Law Enforcement on Indian Reservations

Presented on

June 1, 2007

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Chairman Rahall and Members of the Committee:

I am pleased to appear before you to testify. As a former Police Officer of 9 years and Social worker for 41/2 years, I have first hand experience with the problems our law enforcement and criminal justice systems face. My name is Joseph Brings Plenty, and I am the Chairman of the Cheyenne River Sioux Tribe. I wanted to introduce to you our Chief of Police, Festus Fischer, who has worked in BIA and Tribal law enforcement in Indian Country for 17 years, Supervisory Detective Larry LeBeau, who has worked in law enforcement for 20 years, and Stephen Brings Plenty, a Criminal Investigator who has been with our Department for 18 years. They and their fellow officers represent the best of what we have to offer for our future.

I. Introduction

In my written statement, I have provided the Committee with background on Cheyenne River. Here, I will simply state we have an average of 3 officers per shift covering 19 communities, 15,000 people, and an area the size of the state of Connecticut. That amounts to 5,000 people per officer and 450 miles of road to cover in 8 hours. We only have one location – Eagle Butte. There are no substations. The one-way distance from headquarters to the 18 outlying communities ranges anywhere from seven miles to 70 miles.

In 2006, the Department responded to 11,488 calls for service and made 11,791 arrests. Most of these arrests were made by a single police officer in a remote area of the reservation with back-up several miles and minutes away. Although we've been fortunate to have not had any of our police officers killed in the line of duty in recent years, we have had officers attacked, like Officer Arpan who was stabbed three times. There was no backup.

I want to talk with you today about two areas of concern: First, problems with the current administration of law enforcement by the

BIA. And second, the continued underfunding of the program and the impact it has on our criminal justice system.

III. Problems with Administration of Law Enforcement Services by the BIA.

While we need funding, we also need oversight make sure funds appropriated are used wisely. The BIA Law Enforcement received an increase in funding from Congress two years ago. This Tribe never received one cent of that funding. They cite underfunding of BIA operated Law Enforcement. If Congress does not specify that funds will be distributed based on need and will include funding to 638 contract Tribes, our Department will never see any of the funds.

The BIA's decision to split out Law Enforcement Services from under the central direction of the Great Plains Regional Director into their own division has created many new problems for our Department. In my written testimony I provided the Committee with details on how the management was split up. Suffice it to say here, the scattering of lines of authority across the United States has

created a huge financial expense, and even worse, a confused chain of command. This doesn't work.

Under the new BIA Office of Justice Services we have had too many unfavorable experiences. When we have search and rescue missions or the need for the use of a canine and canine officers to assist drug investigators, which the BIA has, we cannot get access. The BIA has continually stated the liability for allowing this cooperation with a 638 contract Tribe is too high. This was never an issue before. Under the old system, when we have a large event like our annual rodeo and pow-wow, we had officers from other Reservations – both BIA and 638 contract operated come and assist. And we did the same for them. Under the new administration BIA Officers are not permitted to assist – again the BIA cites liability. This hurts all law enforcement in the Dakotas.

Another serious problem is that the BIA Office of Justice Services has demanded that the Tribe split law enforcement into a separate 638 contract from our Master 638 contract. The Tribe has refused. The BIA withheld our funds for 2 months because we refused to sign.

Our Master contract includes all justice services and other programs. If the Tribe has cost savings in one area of its Master Contract, it can use those savings in another area. If we split law enforcement into a separate contract, we can no longer use those savings in law enforcement.

The split out and creation of a new administration hampers coordination of a criminal justice system – courts are managed by Great Plains Regional Director. Law Enforcement is managed by an entirely different administration not answerable to one central person except the Assistant Secretary of Indian Affairs. With management scattered from two cities to four under five different chains of command. Our Chief of Police now has four bosses instead of one – the Superintendent. This was done without any consultation with Tribes at a huge cost to law enforcement funding. Now, we hear the BIA is trying to move courts into this new administration. But again, no Tribe has ever been consulted.

The Cheyenne River Sioux Tribe has been administering law enforcement since before the BIA ever provided funding for law

enforcement. We have never in our history had BIA run law enforcement services. We know what we need. But the BIA is now making decisions without any consultation with this or any other Tribe. And these decisions are eroding our funding and our ability to run an effective law enforcement program. The funds Congress does appropriate are spent on top heavy administration. Instead of paying a Superintendent at the Agency, a Regional Director in Aberdeen and a Washington DC Director with support staff, you are paying for five bosses in four locations, with support staff.

Although our fiscal year 2007 budget was to have been funded the same as in fiscal year 2006, the BIA held back 10% of our funding with no explanation, hurting our Department even more.

IV. Problems created by underfunding.

If I may, I want to explain to you some of the problems created by underfunding. Our current base funding received from the BIA does not allow the Tribe to compensate any of the law enforcement employees with a salary comparable to those at an entry level position of the same type in the federal BIA service. This results in a

high employee turnover rate, as well as employee burn-out, reduced productivity and increased liability. Our former Chief of Police passed away last month at 49 years old. He had served in law enforcement at Cheyenne River, Standing Rock and Yankton for over twenty-seven years. There was no pension and no retirement. He left behind a wife and children. There is nothing for them.

Yet we can fund a top heavy administration with two GS-13 and one GS-14 positions at the District I Aberdeen Operations Division alone at a cost of salary and 25 percent on top for availability pay and full retirement and benefits – a total estimated cost of \$425,000.00. In the history of the Cheyenne River Sioux Tribe's law enforcement program no employee has ever been able to retire from service. They resign and depend upon their social security check as "retirement". This Tribe has had to make a horrible decision – either cut salaries to increase the number of police officers or fund at the same level as BIA Officers with full benefits, and only have 5 police officers and one criminal investigator. Our dedicated law enforcement staff have lived with this decision for our entire history. We have on staff right now officers who have served for over 17 years with no retirement, no salary increases other than inflation, and still working at salary levels

below an entry level BIA law enforcement position. Yet they are dedicated to protecting their families and people and so they stay here. This must change and will only be possible with increased base program funds to Tribes.

The detention facility on the Cheyenne River Sioux Reservation is serving as a regional facility housing adult and juvenile offenders for the BIA from reservations in South Dakota, North Dakota, Minnesota and Nebraska. This introduces new violent offenders to our community and presents serious risks to our population and our Detention Staff. It also ensures we don't have the space for our own offenders, but we have to find funding somewhere.

The Criminal Court hears over 3,000 cases a year with one judge and one prosecutor. The juvenile court hears over 1000 delinquency petitions a year with one judge and one prosecutor. Justice delayed is justice not served. The average time between arrest and trial is six months. This lack of funding ensures there is no justice and no safety for our communities.

Our law enforcement program simply does not fund uniforms, body armor, and basic police equipment. We cannot afford the GSA leases for vehicles we are charged, but don't have the funds to purchase and then retire fleets of vehicles. One time grants don't work.

An increase in base funding for the CRST LED from \$2,664,688.00 to \$5,659,572.00 was proposed in the 2007 Congressional Testimony that was submitted by the Cheyenne River Sioux Tribe. We need a doubling of our budget to meet our law enforcement needs.

In closing, I am proud of the dedication shown by our law enforcement officers who continue to provide the best services possible to our people and the Lakota people on other Reservations in the Dakotas with limited or no resources. They deserve our gratitude. As do our people who continue to suffer without adequate protection. They both deserve so much more. As Chairman of the Cheyenne River Sioux Tribe, I urge you to help us address these concerns with the entire criminal justice system through funding and oversight of use of funding.

Mr. Chairman, this concludes my prepared statement. I would be pleased to answer any questions you or other Members of the Committee may have.