

TO PROTECT AND SERVE: JOINT LAW
ENFORCEMENT EFFORTS IN BUILDING SAFE
TRIBAL COMMUNITIES AND STOPPING
DANGEROUS DRUGS FROM ENTERING INDIAN
COUNTRY

HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS
UNITED STATES SENATE

ONE HUNDRED SIXTEENTH CONGRESS

FIRST SESSION

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**TO PROTECT AND SERVE: JOINT LAW
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WEDNESDAY, MARCH 20, 2019

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

The Committee met, pursuant to notice, at 10:00 a.m. in the James Henry Gymnasium, United Tribes Technical College, Hon. John Hoeven, Chairman of the Committee, presiding.

Due to indiscernible audio recordings; there are areas of missing text throughout this field hearing.

**OPENING STATEMENT OF HON. JOHN HOEVEN,
U.S. SENATOR FROM NORTH DAKOTA**

The CHAIRMAN. Good afternoon. Thank you for being with us today. We appreciate it very much. And to the honor guard and to the singers, we appreciate it, again. We appreciate all of you being here at UTTC on behalf of all the tribes in Indian Country.

Since we changed the law, when I was governor, and [indiscernible] was convinced as well [indiscernible] we really appreciate the [indiscernible]. And thank you all for being here today as part of this field hearing. I want to thank the individuals who will be testifying as well.

Obviously, the purpose of the hearing is to focus on what we can do in Indian Country to promote safety and to strengthen law enforcement. So you are going to hear from the right individuals today in terms of what they can do with you. We really are trying to understand it, from people who are dealing with these issues on the reservation, in Indian Country every day. So that is the focus.

The testimony here will be made part of the record for our use in the committee in the Senate. And its purpose is to support the passage of legislation that will enable us to do more in Indian Country to promote safety, promote safety for women, for children, for everybody, to strengthen the hand of law enforcement as well as the tribal attorney and anybody else who is trying to make life better and more secure across this Nation for all of our Native people. That is the purpose of the hearing today. Again, I thank all of you for being here.

I want to thank Senator Cramer for being part of this hearing. We appreciate your being here as well and providing some opening remarks. As well as our Congressman, Kelly Armstrong, for being here. It is very important that they be here, because I think these kinds of steps, getting this kind of hearing, putting it on the record for the Senate Indian Affairs Committee helps us move important legislation. We have to move it not just through our committee, which we are going to be able to do, I am pretty confident of that. As chairman of the committee, I am pretty sure of it. We have already moved how many bills through our Committee?

Mr. ANDREWS. Eighteen.

The CHAIRMAN. We have already moved 18 bills through our Committee, we have already moved 18 bills in this Congress, this year. We have already moved 18 bipartisan bills through the Committee. So we are a good Committee, very bipartisan. Tom Udall is the Ranking Member, Democrat from New Mexico. He and I are good friends, he is a good guy, I really enjoy working with him.

It is a little tough on the Senate Floor but can move across the Senate Floor an amendment [indiscernible] across the House [indiscernible]. So I very much appreciate both Senator Cramer and Congressman Armstrong, because they are a very, very important part of that effort. And these are bills like legislation I put in called the SURVIVE Act. What does the SURVIVE Act involve? Every year the Crime Victims Fund nationally takes in about \$3 billion, I should say it provides about \$3 billion to help law enforcement across this Nation and help victims of violent crime, \$3 billion a year. If we can pass my SURVIVE Act, 5 percent of that, about \$150 million a year, will go to Indian Country.

So now we work to appropriate that, and we do pretty well. I think last year we were in the \$130 million range. But this would provide, on an ongoing basis, \$150 million of that crime victims money that would go to Indian Country. That makes a difference for victims on the reservation. That makes a difference to law enforcement on the reservation. That is one example of how legislation is passed, again, making [indiscernible] in this period, once [indiscernible] it is hard making that case. That is the [indiscernible].

Another example would be the Tribal Law Enforcement Act. We call it TLOA. But essentially that would be, many of the best practices that are going on across the Country in terms of rehabilitation through our penal system and those kinds of things available for Native Americans. That is incredibly important to reduce recidivism. It is incredibly important so when someone is incarcerated, they are not just incarcerated, and they come out and they leave from the times they are incarcerated, they are incarcerated, but they are rehabilitated. And [indiscernible] incarceration, too, we need to make those available to law enforcement on our reservations.

That is another example of legislation that we are working on, many of you are also familiar with Savanna's Act, which focuses on reducing crime committed against children [indiscernible] on the reservation. These are examples of the kinds of legislation we want to move in this Congress and have them become law.

So this record is part of doing that [indiscernible]. So we work on these things, we always have the goal, the results [indiscernible]. That is what this is about. So as we hear from these important witnesses, they are part of lending their voice to making sure that we make those kinds of tools, those important resources available on the reservations across this Country.

It is not just about discussing the challenges and understanding them. It is about translating that important input and testimony into results that can make a difference. That is one of the reasons we are here, and I appreciate so much all of you coming.

I want to welcome, of course, our first panel. But first, we also have some others. We have with us our Lieutenant Governor, Brent Sanford. We thank you for being here. We will hear from him.

[Applause.]

The CHAIRMAN. [indiscernible]. Scott Davis, with Indian Affairs, Standing Rock, thank you for all you do.

[Applause.]

The CHAIRMAN. If I am not mistaken, weren't you appointed originally by the former governor? Because you have been here a long time, and you are really, really fantastic. So I don't know who that guy was, but I will tell you, he sure got a good one when he recruited you. Thanks for all you do.

We have some sheriffs here, Sheriff Nathan Gustafson from Rolette.

[Applause.]

The CHAIRMAN. And then we have both Chiefs Jason Ziegler and Dan Fredericks from Mandan in Bismarck [indiscernible].

[Applause.]

The CHAIRMAN. So the guy behind me who I ask for input all the time is my Committee director. His name is Mike Andrews. He is our staff director for the Indian Affairs Committee in the Senate, and he is excellent. He is excellent. He is a law school graduate, but the thing that he is most famous for is he actually kicked for the Chicago Bears, I kid you not. He was a Chicago Bears kicker. Now, I know there is probably one or at most [indiscernible] Saints in this audience. He could probably kick a field goal or two and beat your favorite team [indiscernible], just so you know.

[Laughter.]

The CHAIRMAN. But he is a great guy, and he is an incredible resource. Mike Andrews, he is our Committee staff director. He is excellent. If we can help you, don't be afraid to talk to him, I don't mean just today, but get hold of him and let him know what you need. You will love him. He is a great guy. He might kick for perhaps the wrong team, but he is a great guy and extremely helpful.

Thank you, everyone. We are now officially on the record. All right. We are calling the meeting to order officially, in order to take testimony. Today the Committee will hold an oversight hearing to discuss an important and timely topic in Indian Country, intending to examine public safety efforts between drug enforcement and the challenges facing tribal communities.

Again, I want to thank President McDonald for hosting, and also, we are very pleased to be here at UTTC, as I have said before.

And here is an interesting statistic. I didn't realize it, but UTTC has provided over 10,000 American Indian students from more than 75 federally-recognized Indian tribes across this Country, they have provided education services to those individuals. I think that is wonderful, 75 different tribes from across the Nation. So I appreciate that very much.

All right. The members of the honor guard, Robert Fox, U.S. Air Force, E.D. Willis, U.S. Marine Corps, Tom Red Bird, U.S. Army, and Todd Goodsell, with the U.S. Marine Corps. Burris Henry, the drummer, Stone Rich. And also, we have with Senator Udall's staff, as I mentioned before, Tim Moxley, and Connie [indiscernible], also with Senator Udall. Thanks.

With that, I am going to ask Senator Cramer for his comments, before we go to testimony from our Governor and the three gentlemen on the first panel. Senator Cramer?

**STATEMENT OF HON. KEVIN CRAMER,
U.S. SENATOR FROM NORTH DAKOTA**

Senator CRAMER. Thank you, Chairman Hoeven. And thanks [indiscernible] echo all his [indiscernible] particularly the last [indiscernible]. I'd like [indiscernible] Senator and Chairman [indiscernible] when he had [indiscernible]. I know that because [indiscernible] all his papers [indiscernible] he is an instructor and [indiscernible].

We all know the challenge, we all know the issues. We all know each other. I want to highlight something Senator Hoeven said, and that is, the importance of this record should not be understated or underestimated. In fact, what we ought to do is point to some personal and self [indiscernible] patriotic [indiscernible]. You all have a disproportionate amount of influence over [indiscernible] because of this right here, because of this right here, us in relationship one with the other and all of us together. And I think that speaks more than all the laws [indiscernible]. And while we are working hard to pass legislation to help reconcile and recognize some of those relationships [indiscernible] Senator Hoeven is [indiscernible].

I also want to echo what John said about [indiscernible]. This is [indiscernible], that is all I can tell you, this [indiscernible] all the people who I have worked for he is among the best. So we are grateful to him coming and for being here and for his leadership on this important issue as well.

I might just add, my [indiscernible] tribe a long time ago [indiscernible]. It is not as [indiscernible]. But anyway, this is great to be part of family there. My clan [indiscernible] and [indiscernible]. I know it's a big day, but while we are having this Congressional hearing, there is some really important stuff going on down at the State Capital today as it relates to the relationship [indiscernible]. We are really looking forward to [indiscernible]. It is really important. This [indiscernible] celebrate [indiscernible] in cooperation with [indiscernible].

As I look forward to the solutions to some of the challenges, my goal is to find solutions that will honor the integrity of sovereignty while at the same time honoring the integrity of U.S. citizenship. You would think it is easy, it has its challenges. You guys [indis-

cernible] right out of college pretty much looking for [indiscernible] 100 years ago. And there are first [indiscernible] really easy and you tell them [indiscernible] more challenges [indiscernible].

So we have come some way but we have a long way to go. But I just want to say this, [indiscernible] strongest word of encouragement that I have for you. That is, while we have some great former governors and is this great [indiscernible], we [indiscernible] today [indiscernible] taking the foundation and building [indiscernible] tremendous way.

The CHAIRMAN. You just said a lot there.

Senator CRAMER. He is a [indiscernible]. Doug, and I mean this with all my heart, you know that, I am sincere. What you have done to help [indiscernible] strengthen [indiscernible] in relationship in Indian Country and our State really, it is [indiscernible]. In fact, [indiscernible] I thank you for that. And I submit to you, as much as this is important, [indiscernible], and that means all of us, I think is better today because of [indiscernible].

With that, [indiscernible].

[Applause.]

**STATEMENT OF HON. KELLY ARMSTRONG,
U.S. REPRESENTATIVE FROM NORTH DAKOTA**

Mr. ARMSTRONG. Thank you, Chairman Hoeven. I just want to say, thanks for having the opportunity to be here.

I especially appreciate, in this area, this is something we have been working on at the State level for a long time. I think it is important to recognize that when it comes to trafficking and enforcement and those types of crimes, we rely heavily on Federal resources, whether it is DEA, FBI, BCI at the State level. And we deal with all those issues while recognizing sovereignty and jurisdictional issues.

But I think one of the things that we have to factor in particularly in a lot of this is rural America [indiscernible] those resources right now [indiscernible] when it comes to addiction. Resources can oftentimes [indiscernible] come from in Indian Country, and people can see the work there. Because by the time that gets to the Federal level [indiscernible] related crimes.

We have had three [indiscernible] opportunities at the local level to get to that addict, and we have worked on focusing on those issues, too. Because this is worthwhile. We need to be able to provide any Federal resources and Federal legislation possible. But we need to be able to do it in a way that is flexible and usable at 2:30 a.m. on the side of the road, and not just in committee hearing, whether it is at the State Capitol or in Washington, D.C. And we have a lot of people that have done a lot to reduce the stigma, a lot of people who [indiscernible]. Now it is our job to make sure that there is grant money and resources available.

I want to say thank you to the first lady, who is sitting over there, who has done more for driving [indiscernible] across the State than anybody. It is important, because if we can deal with a young addict at 19, 20 years old, and if we can get [indiscernible] somewhere else, then we don't have to deal with them in a Federal correctional facility.

So I appreciate everybody having the opportunity here, and I just hope we continue to [indiscernible]. I would much prefer to wrap them up and get them on the right track, and that is, after their second [indiscernible], than deal with them coming out of the Federal penitentiary in seven and a half years. So if we can do that on the front end of the use and crack down on [indiscernible] trafficking we will be a long way [indiscernible].

So thank you all for participating.

[Applause.]

The CHAIRMAN. Again, I would like to thank both Senator Cramer and Congressman Armstrong for being here today, as well as the first lady. Thank you for being here. I want to lend my thanks as well, and for all of the work that you are doing to lead on the important issue of recovery and addressing the issue. Thank you.

[Applause.]

The CHAIRMAN. We will now hear from our witnesses. We will have three panels. In the first panel, we will hear from Governor Burgum, followed by Attorney General Wayne Stenehjem. On the second, we will hear from Federal law enforcement officials from the FBI, the DEA and BIA law enforcement. On the third panel, we will hear from the elected tribal chairmen and chairwomen in North Dakota. I encourage you to stay and listen to the testimony of these individuals. Again, I appreciate very much them being here and providing their important testimony today and making it part of the record.

With that, I want to welcome both the Governor and the Attorney General. Thank you for being here. We welcome you, Governor Doug Burgum.

**STATEMENT OF HON. DOUGLAS JAMES BURGUM, GOVERNOR,
STATE OF NORTH DAKOTA**

Mr. BURGUM. Thank you, Chairman Hoeven. Good morning, everyone. Thank you, Senator Cramer, for the kind comments. And Congressman Armstrong, thank you for bringing your expertise to this discussion as well.

Let me just respond first to the kind words of Senator Cramer. This has been a team effort, and that team effort not only includes Lieutenant Governor Sanford and the first lady, but to my right, Attorney General Stenehjem, who has been fighting for justice in North Dakota on tribal lands for the last two decades and continues to do that. We have progress being made, this afternoon, you mentioned, with the tribal tax agreement moving from 50–50 to 80–20. We have had great leadership from some of our legislators, tax commissioner Ryan Rauschenberger, playing a key role. And of course, Scott Davis and others. There has been a big team of people that are all behind what we are doing. And of course, this is one of the five key initiatives of our administration, is trying to improve relationships. We do that, because we know if we talk about, today we are here to talk about crime and safety, but we have also all acknowledged the work of the first lady. But lots of crime that is occurring in our State, whether it is on or off reservation, is related to the disease of addiction. And the disease of addiction, we know, touches all 57 organizations that we held reviews with last

year as part of the strategic review process. It permeates everything we do in corrections and law enforcement. So we can't really separate, these days, talking about safety and the disease of addiction. So these two come together.

This is very important that you are here, and I want to thank Chairman Hoeven and the staff for holding this hearing in North Dakota. I do agree with what has been said here, there is a unique opportunity given the people who are in the audience and those of us that are here on stage, to actually become a model for the United States about how to solve some of these complex problems that have been dogging the Country for decades and decades. Of course, the legal framework for handling crime and safety on tribal lands is very complex, and there is a complex history.

But at the end of the day, we are all relatives, and we need to understand that there is an opportunity to try to solve these. I would like to think that maybe in North Dakota, we can do it here first and better, and set a model for the rest of the Country on how this can be resolved.

We have been fortunate in our administration to have great partnerships with the leadership of the tribes. I know that they are going to be up here later, but I do want to thank Turtle Mountain Chairman Jamie Azure, Standing Rock Chairman Mike Faith, Spirit Lake Chairwoman Myra Pearson, and Sisseton Wahpeton Oyate Chairwoman Ella Robertson, and Mark Fox from MHA Nation. They have all been great partners as we have worked with them individually. Each of their needs and opportunities are different. But we have been, Kathryn and Brent and I have been made to feel welcome and supported in the true spirit of collaboration in all of our meetings with them that have been occurring over the last several years.

I know also that we have representatives of the FBI, the DEA, the BIA and others who are here today. We have enjoyed a strong collaboration with those organizations since the day that we took office during a time of extreme conflict. We really appreciate the partnerships there as well.

One of the things, of course, that we are working on, doesn't require passing a law. But one of the important things we have tried to establish is trust. We need to have trust and understanding. There have been so many decade and decades of mistrust and trying to understand that we build on trust to create a new era of opportunity.

One of the ways that we have done that is just through listening. I have spent a lot of time trying to really listen and understand. It is really remarkable in this day and age that we can have still so much misunderstanding among people who live so close to each other. But we are moving forward with partnerships that are really based on good faith, on consultation, listening and learning, understanding, mutual respect, and through the idea that we really have government-to-government relationships with leadership, Scott Davis and lots of other people, including partnerships with the Federal.

We have held two government-to-government conferences where we have convened in each case over 300 people. The tribal chair leaders and their elected officials have been there. We have had

law enforcement from Federal and State who have been there. Dozens of State agencies have been at these convenings.

And I would like to also suggest that that model might be a model for other States, because I know that we are going to have great fruit that is going to be born from that. We have had two annual, they are going to get bigger and better. But there have been real constructive things that have come from that.

One of the things that has come from that is the understanding of the things we can do here locally that don't require Federal assistance, and that is just between tribal and State, mutual aid enforcement. We have, again, complex geography. MHA Nation touches six counties. We have six elected sheriffs. Each of those require separate MOUs. We have established within our highway patrol, for the first time, a cultural liaison officer who is working, she is here today, working with the counties trying to build these MOUs, whether it is in a hot pursuit team, extradition.

It is 2019, and I would like to think that the day should be over when someone calls 9-1-1 and then instead of, they call 9-1-1, they pick up the phone and instead of saying, how can we help or what is the emergency, the first question they ask is, are you an enrolled member. I would like to think, in North Dakota, that we can figure out a way where we are concerned about the issue they are calling about first and then worry about identification.

[Applause.]

Mr. BURGUM. So anyway, we are making some movement on that. McLean County is one where we have an MOU and are moving forward. The other thing, through this collaboration, we have also identified that there were some outdated potential flaws in the laws within North Dakota. BIA police officers did not exist under the definition of Federal agents in North Dakota law.

We have a bill supporting a change to that. We are optimistic it will pass. It has passed the House and we are optimistic it will pass the Senate. But when they are not listed as Federal agents, it creates liability for BIA agents if they were actually involved in a law enforcement action. So correcting that will help us with the MOUs.

Another initiative that is going forward is with collaboration, again, through Attorney General's, strong leadership of the BCI, Bureau of Criminal Investigation, the FBI, county and local police, BIA tribal officers is beginning these drug task force efforts.

One example is up on Turtle Mountain, the first of its kind, initiated in 2018. Great opportunities for cross-deputization of Federal agents to work both on and off trust lands. Because when we have the complex legal environment, it is, I think, well-known that the tribal lands become magnets for areas of criminal activity, including drug trafficking and human trafficking, because of the complexities that are there makes it easier for criminals to operate. I am including non-tribal, non-North Dakota criminals that are finding space to operate within our State.

So as we work to reduce the drug trade on the supply side, we also have to continue to address the behavioral health, addiction and the long-standing trauma to children of people who have parents who have been dealing with the disease of addiction. It becomes a multigenerational issue.

And as acknowledged here, the first lady is doing some great work on this front, of reducing shame and stigma of addiction. But she is also working with individual tribes. Chairman Azure has created a Turtle Mountain Youth Commission that the first lady has been engaging with and again, getting the youth involved, supporting this.

For the Federal folks who are here, there are three requests that we have from a State level as part of this testimony. One is, we know that we are short of BIA officers. And we know this is a shortage that is nationwide. But when we have Standing Rock, including the portion that goes into South Dakota, that is larger than Connecticut, I think it is authorized for 24 agents. At the time when we took office a couple of years ago, I think they were not fully staffed. They might have had 16 officers at the time.

So achieving full staffing, obviously there is a workforce shortage around the whole Country. But there is also a training opportunity. Today, the primary training location for BIA officers is in New Mexico. Unfortunately, the student failure rates, the graduation rates, either way you describe it, is only about 50 percent out of that facility.

Of course, we know that it is a culturally-predominant fact that if you are farther away from family and support groups when you are trying to tackle something new, that you may be of less success rate. We would like to promote that there is an opportunity for collaboration between the State and the Federal here. Because we believe that we can create a premier BIA tribal police officer training facility in North Dakota at Camp Grafton, in conjunction with the Lake Region Law Enforcement Academy in Devils Lake. This is very close to Spirit Lake Nation, and not only could this help solve the problem in North Dakota, but for South Dakota, Wyoming, Montana, Minnesota, Wisconsin. Everybody has shortages of BIA agents. Maybe a second high-quality educational academy here could help address that.

Secondly, you have mentioned this. Of course, in the last two years, it has been unfortunate that North Dakota has made national headlines on two cases, one involving Savanna Greywind and the other, Olivia Lone Bear. But I think through this we, particularly in the latter case, revealed the absence of an organized law enforcement framework when we are crossing multiple jurisdictions. There are lessons we can learn from that as we continue to move forward.

The third one, which we have prior provided separate testimony on this, but there is a 70-year old outdated law on the books, Federal law, for the Spirit Lake Nation. We are supporting the tribe in a formal request to repeal this outdated, unused law that is related to North Dakota having supremacy over misdemeanors on Spirit Lake. There was a bill introduced in the 115th Congress, Senate Bill 2788, so the last Congress, that would help resolve that. We are shoulder-to-shoulder with Spirit Lake in having that repealed.

So in conclusion, again, I want to just thank the Committee and the staff members who are here. I want to thank all the tribal leaders for their partnership. I want to thank the Attorney General for his partnership as we work through these complex issues.

I appreciate the opportunity to testify before the Committee today. Thank you.

[The prepared statement of Mr. Burgum follows:]

PREPARED STATEMENT OF HON. DOUGLAS JAMES BURGUM, GOVERNOR, STATE OF
NORTH DAKOTA

Chairman Hoeven and Committee Members of the Senate Committee on Indian Affairs,

Welcome to our beautiful state, and thank you for the opportunity to testify on an ever-important topic in our State and the Tribal Nations with whom we share geography: “To Protect and Serve: Joint Law Enforcement Efforts in Building Safe Tribal Communities and Stopping Dangerous Drugs from Entering Indian Country.”

Through the course of meeting with tribal leadership from every Native American tribe headquartered in the state—the Mandan-Hidatsa-Arikara (MHA) Nation in New Town, the Turtle Mountain Band of Chippewa Indians in Belcourt, the Standing Rock Sioux Tribe in Fort Yates and the Spirit Lake Nation in St. Michael—as well as the Sisseton Wahpeton Oyate, our administration continues to identify areas of opportunity for government-to-government collaboration between the State of North Dakota and Tribal Nations. This partnership, based on good-faith engagement, consultation, listening, learning, understanding and mutual respect, continues to be one of the five strategic initiatives for our administration.

Within this ongoing dialogue, our cabinet agencies have launched collaborative efforts to assist those North Dakotans who are dual citizens as enrolled members of their respective Federally Recognized Tribes with issues related to public safety. It is my strong belief that by establishing trusting relationships, sharing resources and identifying strengths and needs across federal, state, local and tribal jurisdictions, we can build safe communities, ensure stable and highly effective law enforcement and promote joint efforts to enhance Tribal-State mutual aid agreements and drug task forces.

Together, we also can address the issues our Bureau of Indian Affairs (BIA) police officers face in North Dakota due to a lack of major resources, staffing and training facilities, as well as the epidemic of missing and murdered indigenous peoples and the repeal of outdated laws regarding criminal jurisdiction in Indian Country.

In keeping with the spirit of the Tribal Partnership initiative, various cabinet agencies have been cooperating to establish Tribal-State mutual aid law enforcement agreements. Some of the first of their kind were created as Tribal-County mutual aid law enforcement agreements. For example, McLean County, which shares a significant portion of land with MHA Nation, entered an agreement with MHA for both jurisdictions and their law enforcement to assist one another in specific cases where time was of the essence and public safety was at stake, such as hot pursuit, detainment and extradition. It also fostered better communication when navigating the complicated waters of criminal jurisdiction in Indian Country. Officers were able to more quickly respond and better determine the enrollment status of those who had committed a crime or were in the process of doing so, which made for clearer lines of due process and making accurate decisions about who had jurisdiction.

In July 2018, the North Dakota Indian Affairs Commission (NDIAC) and North Dakota Highway Patrol (the Patrol) began monthly meetings to explore this issue at a statewide level, and potential mutual aid agreements between Tribes and the Patrol to better and more quickly serve the citizens of North Dakota. These agencies began focusing on language for potential Memorandums of Understanding (MOU’s) and Memorandums of Agreement (MOA’s) between Tribal Nations and the Patrol for cross-deputization, hot pursuit, detainment or other avenues to improve public safety.

The two agencies identified potential legal flaws within North Dakota Century Code (NDCC), and found that BIA police officers did not exist under the definition of “Federal Agents” under NDCC § 29–06–05.2. After discussions with BIA police officers, this issue was identified as a liability concern for BIA police officers, as well as a trust concern between the BIA and their fellow law enforcement officers around the State. Without the protection of being identified as a Federal Agent under state law, BIA police officers could not cross from trust to fee land without creating liability risk. To other law enforcement officers, the BIA officers were viewed as unwilling to assist fellow law enforcement officers. In fact, BIA police officers continually put their lives, liability, and job at risk in order to protect and serve not only the citizens of North Dakota but also their fellow law enforcement officers, regardless of identification or jurisdiction.

At the beginning of the 66th North Dakota Legislative Session, HB 1234 was introduced with the support of both the Highway Patrol and NDIAC. The bill recognized “Bureau of Indian Affairs police” and “federal law enforcement officers” as “Federal Agents” under North Dakota Century Code. HB 1234 passed the House of Representatives and is currently awaiting a conference committee hearing in the Senate. We anticipate the bill will pass.

Turning to today’s topic, it is the initiative of the NDIAC, with its partners, the North Dakota Highway Patrol, North Dakota Bureau of Criminal Investigation (BCI), the FBI, county and local police, and BIA and Tribal police officers, to begin Drug Task Force efforts.

The Turtle Mountain Drug Task Force, the first of its kind, was initiated mid-year in 2018. This cross-jurisdictional approach includes resource sharing; with the assistance of the FBI’s Safe Trails Program, certain officers may be cross-deputized as federal agents. This program will allow these officers to work both on and off Trust lands with no issues of liability or jurisdiction, focusing on the large amounts of drugs travelling on and off reservation.

Although the Turtle Mountain Drug Task Force is still in its infancy, it brings together law enforcement from Rolette, Bottineau and Pierce counties, Turtle Mountain BIA police and Tribal officers, as well as BCI, FBI, and other agencies. With this work, we anticipate additional agreements to authorize cross-jurisdictional work and the recognition of felony warrants both on trust and fee land. The goal is to significantly reduce drug trade in this high-trafficked area. Separately, this task force will address behavioral health, addiction and longstanding trauma experienced by those living in the Turtle Mountains, to end the shame and stigma of addiction—a goal First Lady Kathryn Burgum has adopted as her platform—and make real progress in giving hope to those affected by the disease.

In order for these efforts to succeed, our Tribal Nations and the State of North Dakota must support the BIA police officers who reside and work within the State, protecting and serving its diverse citizens. There is a shortage of BIA officers nationally; the Tribal Nations in North Dakota are currently operating at between 40 percent and 50 percent of their authorized staff. At the NDIAC Strengthening Government to Government Partnerships and Relationships Conference, a law enforcement panel was tasked with discussing these issues. The panel shared their experiences resulting from inadequate staffing numbers. One officer discussed waiting more than two hours for backup to arrive and assist him. The same officer said that when dealing with individuals who are or might be in the process of committing a crime, he regularly pretends to be in conversation with another officer, to give the appearance that law enforcement reinforcements are on the way. We ask the Department of Justice and Department of Interior to assist with this shortage by authorizing additional BIA officers in North Dakota.

Our BIA police officers are sometimes viewed as transient, staying six months or less in a location. Turnover hinders consistency in law enforcement. Every officer who is re-stationed within a short period of time results in a lack of ownership and follow through on critical cases. This is especially important in our missing and murdered indigenous people cases, where time is of the essence.

One way to address this problem is by creating a premier BIA and Tribal police officer training facility in North Dakota. With the support of the U.S. Department of Justice and the U.S. Department of Interior, we believe our Camp Grafton training facility located near the Spirit Lake Tribe is an ideal location for a law enforcement training facility. It may require an agreement with the Federal Government to approve and certify such a program. We believe such a BIA training facility will produce a talented and robust pool of much-needed BIA and Tribal police officers trained at the highest level.

Currently the central training facility for BIA law enforcement is in Artesia, New Mexico. Failure rates are currently around 50 percent for those who attend this facility. It is a culturally predominant fact that the success of Tribal members is heightened when they are closer to their homes, friends, family and culturally important ties, such as their spiritual practices. Camp Grafton offers amenities readily available such as housing, meals, classroom space, gun ranges, driving ranges, etc. Nearby, and often used at Camp Grafton, the Lake Region Law Enforcement Academy is utilized for other law enforcement officers and provides initial training to entities including the Fargo, Grand Forks and Minot police departments and even the MHA Nation. Preliminary discussions with the administration at this facility indicates that incorporating the BIA curriculum into the existing programs would not be difficult. Similarly, the Tribal Colleges in North Dakota could incorporate some or all of the academic curriculum as a course of study. A Department of Justice-approved law enforcement training facility in tandem with BIA training could serve

not only the Tribes within the geography of North Dakota, but also Montana, Wyoming, South Dakota, Minnesota and Wisconsin, to name a few.

A regional law enforcement training center located at Camp Grafton and the Lake Region Law Enforcement Academy could be a beacon of hope for those who want to work in a field to protect the lives of others, particularly the lives of some of our most vulnerable citizens. It would create a workforce much in demand, with the chance that Tribes with training monies from the Federal Government (particularly Public Law 638 training monies) could be used toward continuing to improve the facilities of Camp Grafton. In addition, Tribal Colleges may also be interested in participating in this way, playing a crucial role in receiving grant monies and forwarding recruits to this type of training facility.

This proposal is also a good stopping point to reflect on an ongoing epidemic across the United States and Indian Country—missing and murdered indigenous peoples. This epidemic continues, for reasons we still have not entirely identified. With the lack of judicial and law enforcement resources in Indian Country, this epidemic is seemingly growing. In the last year, North Dakota has had several cases involving prominent missing and murdered indigenous people, including the deaths of Savanna Greywind and Olivia Lone Bear. In the latter case, the absence of an organized law enforcement framework across multiple jurisdictions was painfully evident. The NDAIC was eventually asked to moderate and coordinate multi-jurisdictional law enforcement efforts, but not until long after the crucial first several hours and days of the case. These efforts resulted in a training session in New Town, N.D., where a national advocacy group provided a curriculum for the community to aid in search efforts in cases like these. We believe this type of curriculum could exist at a training facility such as the one we have proposed at Camp Grafton.

Training and educational resources for these types of cases are the foundation for our support for the federal legislation known as Savanna's Act, which unanimously passed in the U.S. Senate. This bill requires the Department of Justice to update the online data entry format for federal databases relevant to cases of missing and murdered Native Americans to include a new data field for users to input the victim's tribal enrollment information or affiliation. In addition, this bill requires that DOJ must:

- make standardized law enforcement and justice protocols that serve as guidelines for law enforcement agencies with respect to missing and murdered Native Americans,
- develop protocols to investigate those cases that are guided by the standardized protocols,
- meet certain requirements to consult with Indian tribes, and
- provide tribes and law enforcement agencies with training and technical assistance relating to the development and implementation of the law enforcement and justice protocols.
- Federal law enforcement agencies that investigate and prosecute crimes related to missing and murdered Native Americans also must modify their law enforcement and justice protocols to comply with the standardized protocols.

Though I have provided separate testimony on the support to repeal 60 Statute 229, an antiquated law giving the state jurisdiction over criminal matters on the Spirit Lake Nation, I want to close out my testimony by again highlighting this important endeavor. The Spirit Lake Tribe has gone on record to formally request the repeal of 60 Stat. 229, an Act that previously conferred criminal jurisdiction over reservation misdemeanor crimes to the State of North Dakota. We request support in repealing this outdated and unused law through passage of a law like S. 2788, which was introduced in the 115th Congress.

With the great strides that the Spirit Lake Nation has made in the past 70-plus years, there is no need for the State of North Dakota to prosecute crimes occurring on the reservation beyond what is permitted by federal laws generally applicable to Indian Country as a whole.

We request support to formally repeal 60 Stat. 229, thereby supporting Spirit Lake's efforts to move forward with criminal justice system enhancements while preventing unnecessary interference with Tribal sovereignty by the State of North Dakota. This is an important step to reinforce existing current federal policy aimed at fostering Tribal self-determination. It is also an important step in establishing continued goodwill between the State of North Dakota and one of the Tribal Nations it shares geography with. Repealing this outdated law will foster future collaboration that respects each of the sovereign's ability to exercise and enforce public safety.

In conclusion, I would like to thank this Committee again for your time, for visiting our beautiful State, and for taking into consideration the testimony I have provided today. The Tribal Nations with whom we share geography are each important bastions of historical cultures, showing strength, perseverance and resilience. Each has a beautiful history, rich in importance to the history of North Dakota. Their enrolled members, being citizens of North Dakota and citizens of the United States, deserve safe homes and communities. Healthy, vibrant communities will allow all jurisdictions to reach their fullest potential, with safety and justice consistent with all other lands in this Nation.

Thank you again, Chairman Hoeven and Members of the Senate Committee on Indian Affairs.

The CHAIRMAN. Thank you, Governor. We appreciate your being here. We appreciate your testimony. Most of all, we appreciate your important work, and very diligent work, in this area, along with the first lady. You have really demonstrated a commitment to making a difference, and we thank you.

Mr. Attorney General.

**STATEMENT OF HON. WAYNE STENEHJEM, ATTORNEY
GENERAL, STATE OF NORTH DAKOTA**

Mr. STENEHJEM. Thank you, Mr. Chairman, and Governor, thank you for your kind words. It is wonderful, having the working relationship that we do, on so many of these issues.

Thank you for organizing this meeting. This is very important, and your support for law enforcement all across the State of North Dakota spans many years. I certainly appreciate the support you gave to law enforcement when you were governor. You could not have been more supportive and helpful in all of our efforts. We do recognize that criminal activity is taking place all across the State of North Dakota. It doesn't matter where it is. It affects all of us.

So we thank you for that. Senator Cramer, you have been very helpful. When you were in the House of Representatives, I appreciated that. And Congressman Armstrong, I so want to call you Senator. You were so helpful and effective when we were working together in the legislative chambers on the Justice Reinvention, on the enactment of state of the art human trafficking legislation in North Dakota, together with the funding that we needed to get that. The efforts that we have worked on together and that you spearheaded in the legislature are extremely important. So to the three of you, thank you for everything that you have done.

I want to recognize, too, a true resource in North Dakota, and that is Scott Davis. Scott is someone who never hesitates to come into my office or elsewhere to talk about issues that are important, be it criminal law or anything else. He is a true resource for North Dakota, and I consider him a good friend, and I value that.

Then I want to introduce the new director of the Bureau of Criminal Investigation, Lonnie Grabowska. Stand up, Lonnie, so everyone knows who you are.

[Applause.]

Mr. STENEHJEM. He thinks about these issues from a statewide perspective all the time. It is a pleasure to be able to work with him. He is a resource for all of you, as well. So any questions that come up, please talk with me or direct them to Lonnie, and we will see that they get taken care of.

I know I have five minutes, I hope that the time I spent congratulating everybody doesn't count in my five minutes. I will start my clock right now.

[Laughter.]

Mr. STENEHJEM. And I want to start by outlining some of the things we do together, collaborative efforts that work well. Then I want to conclude with some of the areas where I think you, as members of Congress, can help us with the scourge that we have, with drugs and other issues here in North Dakota.

So first, I want to start with our North Dakota Human Trafficking Task Force. As we know from experience, there is a strong relationship between narcotics trafficking and human trafficking crimes. The Human Trafficking Task Force that we initiated in my office was founded with the help of a grant, by the way, from the U.S. Attorney's Office, BCI and the North Dakota Council on Abused Women's Services. That task force has focused on tribal relations, forming a subcommittee specifically devoted to Indian affairs, and the executive board was expanded to include Sandra Bercier. I don't know if Sandy is here. If she is, I want to thank her. She is a valuable resource. She is from the First Nations Women's Alliance in Devils Lake, and is a valuable member of the commission.

The other issue we contend with is internet crimes against children. BCI is the statewide coordinator for the Bureau of Justice Assistance. That program has expanded to multiple municipal, county, State and Federal agencies to expand our response to affiliate involvement.

By definition, it has worked with tribal jurisdictions to offer training and make tribal and Federal jurisdictions affiliate agencies to also disseminate DVDs that contain cybercrime safety information, net-smart tools that are aimed at educating children all across the State on appropriate internet use. These initiatives continue to support narcotics investigations on both State and tribal lands and various records for narcotics investigations are retained and disseminated on electronic media.

The 24-7 program is a program that I initiated in my office that we borrowed from South Dakota. It is designed to stop and defeat driving under the influence offenses by requiring as a condition of a sentence or bond that there be no alcohol consumption. And that to assure compliance, those participants in the program have to go in twice a day to be tested. And it is working very well. In 2013, we had about 8,000 DUI convictions in North Dakota. And last year, I think in large part because of this program, that number was cut in half to 4,000. It has been very effective.

We are now working with Standing Rock on a trial pilot program based on the 24-7 sobriety. We have donated several preliminary breath test devices, and 10 of those scram ankle bracelets for testing, for transdermal testing, to Standing Rock so they can begin their work. We are also working with MAK to introduce the 24-7 program to them. We are happy to work with anybody else to assure that we can establish those programs elsewhere.

The narcotics task force, we started with a metro area narcotics task force in the Bismarck-Mandan area. Multijurisdictional task force that is coordinated out of Bismarck. That task force has been

the only task force in North Dakota that was designated as a Federal Bureau of Criminal Investigation Safe Trails Task Force. It has continued to involve the BIA as a participating partner.

In the Lake region, a multijurisdictional task force is coordinated out of Devils Lake. The task force has worked with BIA and the Spirit Lake tribe for about 20 years, and BIA special agents have been assigned to the task force. The Midwest high intensity drug trafficking area is something that is funded federally, and is of significant importance to us throughout the Midwest. BCI agency grants funds to allocate tribal narcotics investigation.

We now are working on a statewide program that will allow State and tribal domestic protection orders to be shared and enforced in full in both tribal and State courts. That shared data base is a landmark initiative that will protect tribal and State victims of domestic violence, regardless of the jurisdiction where they live.

We coordinate the sex offender registration, working with tribal agencies to identify, classify and monitor individuals convicted of a sexual offense or crime against children. Various tribal nations have worked on their tribal laws to mirror the numerous offenses already established through the State law. BCI works with the tribal sex offender registration groups to share current State tracking tactics and offender assessment tools and offender data bases.

Through current law, BCI has decided to be proactive in narcotics investigations and reactive in criminal investigation. That authority has allowed the Bureau to participate in ten multijurisdictional task forces. We have also worked with Representative Ruth Buffalo on important legislation in support of two bills she introduced to relate to missing and murdered indigenous women. This is something that we are going to salvage now in our office, so we have a central data base of individuals who have been reported missing or potentially victims of homicide.

[Applause.]

Mr. STENEHJEM. I want to get now to the recommendations that I have and where all of you could come in. That is in the support for continued narcotics task force groups. The BIA could assign special agents to our established local task forces within the geography of the current tribal nations and the State. Criminal investigators could and should be placed at the following units in Bismarck, with the metro area narcotics task forces, which would coordinate with Standing Rock Sioux Nation.

In Minot, the Ward County Narcotics Task Force, to coordinate with MHA and with Turtle Mountain Indian Reservation. In Washburn, South Sacajawea Narcotics Task Force, to coordinate with MHA as well. The Williams County Narcotics Task Force, to coordinate with the Trenton tribal lands. Devils Lake with the Lake Region Narcotics Task Force, who would coordinate with Spirit Lake and Turtle Mountain Indian Reservation. In Grand Forks, the Grand Forks Narcotics Task Force, to coordinate with Spirit Lake as well. And Wahpeton in the southeast, multi-county agency to coordinate with Sisseton Wahpeton of the Lake Traverse Reservation.

The other thing that is important is to re-establish and expand the Native American Drug Task Force in Belcourt. This unit historically has existed at various times, depending on manpower and

tribal involvement. This unit should be coordinated as a State task force to ensure State, local and tribal involvement is maintained and an executive board created to ensure that oversight. And then also reestablish the FBI Safe Trails Task Force Initiative to coordinate tribal narcotics efforts to existing State task forces.

These are all very important. I want to emphasize that we work very closely with an over-stretched Federal law enforcement community. That is why it is extremely important that we have the efforts from the Federal level to work together with our State and local law enforcement agencies.

I want to say this. When I talk to my counterparts across the Country who have law enforcement authority within their State, I think it is fair to say that our relationship with our local, our State and our Federal law enforcement agencies is better than anywhere else. The problem is there just aren't enough of them on the Federal level. I hope that that is something you would be able to address.

Thank you for taking the time to come here and listen to this. Thank you, everybody, also, in the audience, who are here. We on the State level and certainly from criminal investigation, look forward to continuing the work with all of you as we deal with a common issue, and that is the pervasive drug problem in North Dakota.

[The prepared statement of Mr. Stenehjem follows:]

PREPARED STATEMENT OF HON. WAYNE STENEHJEM, ATTORNEY GENERAL, STATE OF NORTH DAKOTA

1. ND Human Trafficking Task Force (NDHTTF)

As field experiences have shown, there is a very strong relation between narcotics trafficking and human trafficking crimes. The Human Trafficking task force was established under a cooperative grant between the United States Attorney's Office (USAO), the North Dakota Bureau of Criminal Investigation (NDBCI), and the ND Council on Abused Women's Services (ND CAWS). The task force has focused on tribal relations, forming a subcommittee on Indian Affairs. The committee's Executive Board was expanded to include Sandra Bercier of the First Nations Women's Alliance of Devils Lake, ND.

2. ND Internet Crimes Against Children (ND ICAC)

BCI is the statewide coordinator of the Bureau of Justice Assistance's (BJA) ICAC program. The ICAC program has expanded to multiple municipal, county, state and federal agencies to expand ICAC response through affiliate involvement. The ICAC initiative has worked with tribal jurisdictions to offer ICAC training and make tribal and federal jurisdictions ICAC affiliate agencies. ICAC has also disseminated DVDs containing Cyber Safety information and NetSmartz tools, aimed at educating children on appropriate Internet use and online safety practices.

The ICAC initiatives continue to support narcotics investigations on both State and Tribal lands as various records for narcotics investigations are retained and disseminated on electronic media.

3. 24/7 Sobriety Program

BCI is the statewide coordinator of the state's 24/7 Sobriety Program. Participants on the 24/7 program are commonly suffering from addictions to alcohol and illegal and illicit drugs.

BCI has been working with the Standing Rock Sioux Tribe on a tribal pilot program based on the 24/7 sobriety program. BCI has donated several preliminary breath test (PBT) devices along with (10) SCRAM bracelets for transdermal testing to Standing Rock to begin the program. BCI is in negotiations with the Mandan Hidatsa Arikara (MHA) Nation to introduce 24/7 gear to the Three Affiliated Tribes (TAT).

4. Metro Area Narcotics Task Force (MANTF)

The MANTF is a multi-jurisdictional drug task force coordinated out of the Bismarck BCI field office. The MANTF has historically been the only task force in ND that was designated as a Federal Bureau of Investigation (FBI) Safe Trails Task Force (approximately 2005–2008). MANTF has continued to involve the Bureau of Indian Affairs (BIA) as a participating partner and has had a BIA special agent assigned to the MANTF since approximately 2005. The primary function of this specialized unit is the enforcement of drug laws across the entire state, including on Tribal lands.

This relationship has led to productive narcotics investigations and the identification of multiple drug trafficking organizations (DTO's) on and off tribal lands. BIA is planning on placing two BIA special agents at the MANTF.

5. Lake Region Narcotics Task Force (LRNTF)

The multi-jurisdictional drug task force is coordinated out of the Devils Lake BCI field office. The task force has worked with BIA and the Spirit Lake Tribe for approximately 20 years, and BIA special agents have been assigned to the task force. The task force conducts investigations to identify, disrupt and dismantle drug trafficking organizations operating on state and tribal lands.

6. Midwest High Intensity Drug Trafficking Areas (HIDTA) Program

BCI is the state coordinator for the Midwest HIDTA program through the Office of National Drug Control Policy (ONDCP). Through Midwest HIDTA, NDBCI has received \$30,000 in grant funds to allocate to tribal narcotics investigations. BCI has coordinated with the MHA Department of Public Safety and has plans to provide the grant funds for agent overtime and narcotics buy funds for the MHA Drug Enforcement, to assist in the efforts to detect, disrupt and dismantle tribal drug trafficking organizations. BCI hopes to be able to apply for continued allocated grant funds in coming years.

7. State and Tribal Protection Orders

This office is currently working on a statewide program that will allow state and tribal protection orders to be shared and enforced in both State and Tribal courts. This shared database system is a landmark initiative that will protect tribal and state victims of domestic violence, regardless of the jurisdiction of the victim.

8. Sex Offender Registration

This office, through the BCI's Sex Offender Registration Division, works with tribal agencies to identify, classify and monitor individuals convicted of a sexual offense or crimes against children. Various tribal nations have worked on their tribal laws to mirror the numerous offenses already established in the state law. BCI works with tribal sex offender registration groups to share current State tracking tactics, offender assessment tools (ND Sex Offender Registration Assessment Committee—SORAC) and offender databases (such as the Tribal Sex Offender Registration (TSOR) program related to compliance with the Sex Offender Registration Notification Act (SORNA).

9. Through current ND Century Code (12–60) NDBCI is assigned to be proactive in narcotic's investigations and reactive in criminal investigations. This legislative authority has allowed NDBCI to participate in/oversee (10) Multi-jurisdictional Drug Task Forces across the State. NDBCI assists all five designated tribes and their law enforcement agencies with any narcotics and criminal investigations requested. NDBCI continues to work to maintain and expand upon the professional relationships the NDOAG has with all Tribal governments.

10. My office has been working with Representative Ruth Buffalo in support of two bills she introduced this legislative session, relating to missing and murdered indigenous people. The bills seek to provide assistance and tools for use by state, local, federal, and tribal efforts in these multijurisdictional investigations.

House Bill 1311 authorizes the Attorney General's Human Trafficking Commission to provide training to state's attorneys, the ND POST Board and state and local law enforcement agencies addressing the unique aspects of these investigations. That bill passed the House last month and is scheduled for a senate committee hearing today (March 20).

House Bill 1313 seeks to fill a void by authorizing my office to create and implement a statewide repository for state, local, and tribal law enforcement agencies to enter demographic information about missing persons. The bill passed the House last month and the Senate committee heard the bill yesterday morning (March 19).

Recommendations for continued narcotics success for Tribal Governments

1. BIA could assign special agents to NDBCI's established local task forces. With the geography of the current Tribal Nations within the State, BIA criminal investigators could be placed at the following units:
 - a. Bismarck: Metro Area Narcotics Task Force (currently slated for (2) BIA Criminal Investigators). Coordinate with Standing Rock Sioux Nation.
 - b. Minot: Ward County Narcotics Task Force. Coordinate with the MHA Nation and Turtle Mountain Indian Reservation.
 - c. Washburn: South Sakakawean Narcotics Task Force. Coordinate with the MHA Nation.
 - d. Williston: Williams County Narcotics Task Force. Coordinate with Trenton Tribal Lands.
 - e. Devils Lake: Lake Region Narcotics Task Force. Coordinate with Spirit Lake Nation and Turtle Mountain Indian Reservation.
 - f. Grand Forks: Grand Forks Narcotics Task Force. Coordinate with Spirit Lake Sioux Nation.
 - g. Wahpeton: South East Multi-County Agency (SEMCA) Task Force. Coordinate with the Sisseton Wahpeton Oyate of the Lake Traverse Reservation.
2. Reestablish and expand the Native American Drug Task Force in Belcourt. This unit historically has existed at various times, depending on manpower and Tribal involvement. This unit should be coordinated as a State Drug Task Force to ensure State, Local and Tribal involvement is maintained, and an Executive Board would be created to ensure this oversight. This would require the funding of an NDBCI agent to act at the Task Force Coordinator or Assistant Task Force Coordinator of the unit.
3. Reestablish a FBI Safe Trails Task Force Initiative to coordinate tribal narcotics efforts through existing state task forces. This role would be administrative in nature and could consist of one FBI agent coordinating Tribal narcotics efforts and acting as the State Coordinator of Tribal investigative efforts. This person would work directly with the State Task Force Coordinators and the BIA representatives assigned to those task forces. A previous attempt at an FBI Safe Trails Task Force Initiative in ND (MANTF in Bismarck from 2005 to 2008) stalled because of limited investigative resources and personnel, which also reduced the geographic scope of operational responses. To overcome these issues, the FBI Safe Trails Initiative should offer vehicles and overtime funding to BIA and FBI personnel who are assigned to a state task force, which will aid effective responses in the areas of Tribal Nations and connection with state task force assets.

The CHAIRMAN. Thank you, Attorney General. To both of you, thank you for your current work, some of which you detailed here. You are absolutely right, both of you, in regard to needing more resources. That starts with personnel.

Today we are going to hear from FBI, DEA, and BIA law enforcement. Every single law enforcement agency I know, and that extends down to county and city level, too, the sheriff's departments and local PD. But across the board, we cannot get enough law enforcement officials, whether you are talking about BIA, FBI, DEA, Customs and Border Protection. Every single agency, we need more people.

So here we are at this great college for young people looking at going into a career of law enforcement. We want to encourage them. Because across the board, we need you. So you are 100 percent spot on. In our Tribal Law Enforcement Act, one of the bills I mentioned earlier at the outset, for example, we have provisions that deal with trying to get more BIA law enforcement personnel, exactly what both of you talked about. That is something that is in the legislation. For example, we expedite background checks to try to get them through and approved and trained and out in the field.

This is what I was talking about earlier. You are speaking directly to the need and directly to what can make the difference, so that when we put this legislation forward, and they look at the record, you now have just said, this is why we need these things passed. That is exactly what we are talking about. Same thing with the coordination we talked about on these task forces, making sure that we have the jurisdiction and the authorizations to do that. So again, right on point. I appreciate your testimony here today.

One other final point I would make in regard to the Spirit Lake bill, we are working with, of course, Mr. Scott Davis on that piece of legislation. You probably knew, he is already on top of it. I think that is something that he can get done.

Again, that is why your testimony is so important, why we appreciate so much your being here. I would ask Senator Cramer, are there any closing comments for these witnesses before we go to our next panel?

Senator CRAMER. I really don't have anything, but it prompted a couple of questions for future witnesses. So thank you.

The CHAIRMAN. Again, thank you.

[Applause.]

The CHAIRMAN. That couldn't have been better. That was spot on. That is exactly what we need.

All right, we will call our hearing back into session and hear from our second panel. Second panel, we will hear from Ms. Jill Sanborn, Special Agent in Charge, Federal Bureau of Investigation, U.S. Department of Justice, Minneapolis, Minnesota. We will also hear from Mr. Richard Salter, Special Agent in Charge, Drug Enforcement Administration, U.S. Department of Justice, from Omaha, Nebraska. And from Mr. Charles Addington, Deputy Bureau Director, Office of Justice Services, Bureau of Indian Affairs, U.S. Department of the Interior, Washington, D.C.

We thank all three of you very much for being here. We appreciate the testimony today. We particularly appreciate the incredibly important work that you do and the difference that you make. So with that, we will begin with Ms. Sanborn.

**STATEMENT OF JILL SANBORN, SPECIAL AGENT IN CHARGE,
FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT
OF JUSTICE**

Ms. SANBORN. Good morning, Chairman Hoeven, Senator Cramer, Representative Armstrong, partners and community members.

I appreciate the opportunity to appear before you today to discuss the FBI's ongoing efforts with our partners in protecting our Indian Country communities. Today I will highlight the FBI's role in Indian Country, specifically here in the Dakotas and northern Minnesota.

I am grateful for the opportunity to discuss with you the FBI's investigative role in Indian Country and how we accomplish our mission. Most importantly, I hope to convey to you and your constituents the FBI's ongoing commitment to keeping our communities safe, especially our Indian Country communities.

Let me begin by acknowledging our tribal enforcement partners. The majority of crimes investigated and prosecuted in tribal com-

munities continues to be handled in tribal justice systems. Tribal systems hold criminals accountable, protect victims and provide prevention programs.

The FBI's highest Indian Country criminal priorities focus on crimes of violence, including homicide, child sexual and physical abuse, sexual abuse of adults and violent assault. These priority investigations account for approximately 80 percent of all of FBI investigations in Indian Country.

In the Dakotas, our primary investigative focus is homicide, followed by sexual assault and other violent assaults. That said, some of our toughest cases involve the physical and sexual abuse of children. Those cases make up 40 percent of our investigative cases, yet require 80 percent of the investigative agent's time.

Additionally, crime related to gangs and drugs is an increasing concern for the FBI. The FBI devotes significant resources to Indian Country. The FBI's national Indian Country program includes more than 140 special agents, 40 victim specialists and 36 field officers. In fact, one-third of the FBI's victim specialists and half of the FBI's child-adolescent forensic interviewers work directly with victims and families in Indian Country.

In the Minneapolis Division, we have gone so far as to place one of the assistant special agents in charge in the Rapid City resident agency to oversee our Indian Country investigations. Nearly 30 percent of the investigative agents in the Minneapolis Division work Indian Country matters. Those agents account for nearly 70 percent, 70 percent of our division's total violent crime arrests.

The FBI is committed to making sure each agent has the tools and ability to effectively investigate crimes that occur within Indian Country. The Minneapolis Division also offers 11 victim specialists to serve communities in Indian Country. That number represents 25 percent of the total number of victim specialists assigned to Indian Country nationwide.

Our Indian Country agents are not only specially trained, but they live here, too. They are committed at the community level to keeping our communities safe.

In addition to our investigative resources, the FBI has leveraged considerable intelligence collection and analytical capabilities in support of our Indian Country efforts. This past summer, FBI Minneapolis hosted an inaugural Indian Country criminal intelligence summit. This summit brought together FBI Indian Country analysts and operational specialists from across the Country who are focused on criminal threats in Indian Country.

Although often difficult to predict and prevent criminal behavior, we can continue to develop new and valuable ways to use intelligence assets to not only support our ongoing cases but attempt to identify emerging trends in our reservation communities. We are fully aware that the FBI cannot accomplish our mission alone. We share it with our BIA, DEA, State, and tribal partners across the United States to deliver quality law enforcement service. We remain fully committed to our role in Indian Country and to our partnerships.

Due to the unduly high volume of violent crimes with Indian Country, our partnerships are critical. Our partners provide substantial assistance in intelligence on every case. While we have

agents assigned and on duty every day of the year in our resident agencies, it is very important to point out that the FBI often responds to crimes within Indian Country only after receiving notification from our well-established tribal and BIA partners.

Our agents, BIA partners, and tribal police work hand in hand to process crime scenes, collect evidence, ensure victim safety, conduct interviews and locate suspects. Partnerships are paramount in protecting tribal communities.

As my colleagues at the DEA can attest, the growing and evolving threat of opioids and other dangerous drugs presents great challenges to law enforcement. To combat this threat, the FBI has established 18 Safe Trails task forces nationwide to concentrate on drug crimes in and around our reservation communities. In the Minneapolis Division, we have three Safe Trails task forces, one in Minnesota, one in North Dakota and one in South Dakota, that provide a significant presence in the fight against drug and violent crime offenders.

Our task force efforts have had great success. In fact, here in North Dakota, we are expanding our task force efforts.

In summary, the FBI remains fully committed to working with its partners at all levels to keep our Indian Country communities safe. We look forward to continuing the important work, and we completely appreciate the support of this Committee.

In conclusion, the FBI is focused on battling Indian Country crime in this region with a common shared goal of our partners, to build safe tribal communities and keep them free of illegal and dangerous drugs. Thank you for the opportunity to appear before you today. I look forward to answering any questions that the Committee might have.

[The prepared statement of Ms. Sanborn follows:]

PREPARED STATEMENT OF JILL SANBORN, SPECIAL AGENT IN CHARGE, FEDERAL BUREAU OF INVESTIGATION, U.S. DEPARTMENT OF JUSTICE

Good morning Chairman Hoeven, Senator Cramer, and Representative Armstrong. I appreciate the opportunity to appear before you today to discuss the Federal Bureau of Investigation's (FBI) ongoing efforts to support our partners in federal, state, local, and tribal law enforcement. Today, I will highlight the FBI's role in combatting violent crime and drug trafficking in Indian Country specifically here in the Dakotas and Northern Minnesota. I am grateful for the opportunity to discuss with you the FBI's investigative role in Indian Country and how we accomplish that mission. I will also share some success stories from the field. Most importantly, I hope to convey to you and your constituents the FBI's ongoing commitment to keeping our communities, especially our Indian Country communities, safe.

Let me begin by acknowledging our tribal law enforcement partners. The majority of criminal offenses committed, investigated, and prosecuted in tribal communities continue to be adjudicated in tribal justice systems. Through their hard work, tribal law enforcement and justice systems hold criminals accountable, protect victims, provide prevention programs, and confront precursors to crime such as alcohol and substance abuse. These efforts are often in partnership with federal agencies or accomplished with support from federal programs and federal funding opportunities.

Our highest Indian Country criminal priorities focus on crimes of violence including murder, child sexual and physical abuse, sexual abuse of adults, and violent assault. These priority investigations represent almost 80 percent of all FBI investigations in Indian Country. In the Minneapolis Division, our primary investigative focus is homicide followed by sexual assault and other violent assaults. That said, some of our toughest cases involve physical and sexual abuse of children. Those cases comprise 40 percent of our investigations, yet require 80 percent of our agents' investigative time. Additionally, crime related to gangs and drugs is an increasing concern in our reservation communities.

In addition to investigations, the FBI also offers substantial training resources to our agents and law enforcement partners. The FBI provides a comprehensive training program that includes intermediate and advanced classes on various topics related to the investigation of crimes in Indian Country. Many of these trainings are open to tribal law enforcement officers, Safe Trails Task Force officers and Bureau of Indian Affairs, Office of Justice Services (BIA-OJS) officers and agents. These courses are designed to support Indian Country agents in the field and to develop and implement strategies to address the most egregious crimes committed in Indian Country. Additionally, the FBI's partnership with the Department of Justice's National Indian Country Training Initiative has hosted more than 15 courses specific to Indian Country crime over the last several years.

In order to accomplish our mission and support our law enforcement partners, the FBI devotes significant resources to Indian Country. The FBI's Indian Country program includes more than 140 Special Agents (SA) and 40 Victim Specialists (VS) in 36 Field Offices. Indeed, one third of the FBI's Victim Specialists and half of the FBI's Child and Adolescent Forensic Interviewers (CAFI) work directly with victims and families in Indian Country. In the Minneapolis Division, we have assigned one of our four Assistant Special Agents in Charge to the Rapid City resident agency to oversee Indian Country criminal investigations. Nearly 30 percent of the agents assigned to the Minneapolis Division are assigned to work Indian Country criminal matters. Indian Country agents in our division typically come to the Bureau with substantial prior law enforcement experience and each agent assigned to Indian Country attends a specialized, intensive training course for FBI and BIA agents in Artesia, New Mexico. The FBI is committed to making sure each agent has the tools and ability to effectively investigate crimes that occur within Indian Country. The Minneapolis Division also offers 11 Victim Specialists to serve communities in Indian Country—that number represents 25 percent of the total number of Victim Specialists employed in Indian Country nationwide. Our Indian Country agents are specially trained and live in the Dakotas and Northern Minnesota. They are part of the communities we are committed to keeping safe.

In addition to our investigative resources, the FBI has leveraged considerable intelligence collection and analytical capabilities in support of our Indian Country efforts. This past summer, FBI Minneapolis hosted an Indian Country criminal intelligence summit. This first of its kind event brought together FBI Indian Country analysts and operations specialists from across the country focused on criminal threats in Indian Country. Recognizing the challenges posed to law enforcement efforts in predicting and preventing criminal behavior, we continue to develop new and valuable ways to use our intelligence assets to identify emerging criminal trends in our reservation communities.

The FBI cannot accomplish this mission alone. We share it with our BIA, Drug Enforcement Administration (DEA), and state and tribal partners across the United States to deliver quality law enforcement service. We remain fully committed to our unique role in Indian Country and to our partnerships with other federal, state, local, and tribal law enforcement agencies. Our partnerships with the BIA-OJS, DEA, and state and tribal law enforcement are critical in resolving the unduly high volume of violent crimes and death investigations within Indian Country. While we have agents assigned and on-duty 365 days a year at each of our resident agencies, we often respond to crime scenes within Indian Country only after receiving notification from our tribal and BIA-OJS partners. Our agents, BIA partners and tribal police work hand in hand to process crime scenes, collect evidence, ensure victim safety, conduct interviews and locate suspects. The cooperation between the FBI, BIA-OJS, and tribal law enforcement is paramount to solving crime and protecting tribal communities.

As my colleagues at DEA can attest, the growing and ever evolving threat of opioids and other dangerous drugs presents great challenges to law enforcement in our reservation communities. To combat this threat, the FBI has established 18 Safe Trails Task Forces (STTFs) nationwide focused on drug crimes in and around our reservation communities. In the Minneapolis Division, we have three STTFs, located in Minnesota, North Dakota, and South Dakota, with approximately 30 full-time Task Force Officers (TFOs) who provide a significant force multiplier in the fight against drug and violent crime offenses.

We continue to evolve our efforts and supplement resources to meet new law enforcement challenges. We recognized the need to surge personnel in order to confront the growth of drug distribution networks in the Bakken region of Western North Dakota. As a result, in 2015, FBI Minneapolis opened the Williston Resident Agency, the first new FBI office established in over 20 years. Just last year, the Minneapolis Division enhanced our STTF in North Dakota to continue those efforts. In the coming year, the FBI hopes to add other STTFs, and to increase the number

of county, state, tribal, and federal officers nationwide. Our task force efforts have had great success and we continue to devote expanding resources to address violent crime and drug trafficking on our reservations.

While we are always looking for better ways to address criminal threats and safety concerns in our reservation communities, we can also point to some remarkable success. The Minneapolis Division currently has nearly 700 pending cases in Indian Country communities. In 2018 alone, the division opened 572 new cases and made nearly 400 arrests. We are actively investigating 162 pending Controlled Substance Act cases in Indian Country in the Minneapolis Division alone. Eighty-nine (89) of those cases were opened in 2018, and we arrested 15 subjects in those cases last year.

The numbers alone tell only part of the story, however. In 2014, FBI Minneapolis, the Rosebud Sioux Tribal Police, BIA and DEA began an investigation of a growing methamphetamine epidemic on the Rosebud Sioux Tribal Reservation. During the course of the investigation, the FBI and its partners uncovered a large scale drug trafficking operation responsible for bringing several pounds of meth per week to the reservation. This deadly drug arrived from locations as near as Rapid City and from as far as Denver, Houston, and Phoenix. After more than 3 years of complex investigation, our investigative team identified and convicted 9 major drug dealers with sentences ranging from 10 to 15 years.

In 2015, FBI Minneapolis, the Cheyenne River Sioux Tribal Police and other tribal, state, and federal law enforcement partners identified yet another large scale methamphetamine trafficking operation on the Cheyenne River Sioux Tribe Reservation. In that case, the primary source of narcotics sold between \$30,000 and \$50,000 of meth per month. This multi-year joint investigation led to the conviction of 8 drug traffickers resulting in sentences ranging from 3 to 13 years.

Just last month, a North Dakota Federal Judge sentenced two Spirit Lake men for the murder of Carla Yellowbird. Carla was 27 years old in 2016, when she and a friend drove from Mandan, North Dakota to the Spirit Lake Reservation. Though she made the trip intending only to sell drugs, the transaction turned violent. Unbeknownst to Carla, she had become the target of a robbery plot. During the robbery, Carla was shot once and died immediately, her body dragged off and hidden in the brush. With the cooperation of our law enforcement partners, and through dogged investigation, we uncovered the full nature of the conspiracy that led to the murder and were able to find justice on behalf the community. Carla's case illustrates the very real danger that drug trafficking presents to our reservation communities and the devastating effect of the associated violence. Each of these examples illustrates the FBI's strength in conducting large scale investigations, leveraging successful law enforcement partnerships, and combatting dangerous drug trafficking operations in Indian Country.

In summary, the FBI remains fully committed to working with its partners at all levels on the issues raised in this hearing today. We look forward to continuing this important work and appreciate the support of this committee. In conclusion and to be clear—the FBI is focused on battling Indian Country crime in this region with a common goal shared among our partners—to build safe tribal communities and keep them free of illegal and dangerous drugs. Thank you for the opportunity to appear before you today. I am happy to answer any questions.

The CHAIRMAN. Thank you, Ms. Sanborn. Mr. Salter.

STATEMENT OF RICHARD SALTER, SPECIAL AGENT IN CHARGE, DRUG ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE

Mr. SALTER. Good morning, Chairman Hoeven, Senator Cramer and Representative Armstrong. Thank you for the opportunity to appear before you today to discuss DEA's efforts and challenges in combating drug trafficking organizations supplying North Dakota's Native American communities. DEA works in collaboration with our Federal, State, local and tribal law enforcement counterparts wherever and whenever possible throughout your State.

Drug abuse, addiction and the violence associated with it is a complex social problem, and identifying and prosecuting those responsible is most successful when law enforcement combines our collective resources. Illicit drugs and criminal organizations that

traffic them continue to represent significant threats to public health, law enforcement and national security in the United States.

Drug overdose deaths are the leading cause of injury death in the United States and are currently at their highest ever-reported levels. In 2017, approximately 192 people died every day from drug overdoses. The opioid threat, which includes controlled prescription drugs, synthetic opioids, and heroin has reached epidemic levels. Meanwhile, as the ongoing opioids crisis justly receives national attention, other threats continue to evolve and re-emerge. The methamphetamine threat remains prevalent, the cocaine threat is rebounding, and a new synthetic psychoactive substance of synthetic drugs continue to emerge and enter the illicit U.S. drug market.

DEA's mission is to identify and dismantle the world's most significant foreign and domestic drug traffic organizations that are ultimately responsible for the poisoning of our communities for profit. To that end, we work closely with our domestic and international counterparts to collaborate on training efforts as well as intelligence and resource sharing.

At the core of DEA's success is our task force-centric organizational structure, which allows our agents to work in close partnership with other law enforcement elements on a daily basis, especially the areas such as North Dakota, where manpower resources are limited. These multiagency drug task forces facilitate intelligence sharing and serve as force multipliers for all task force agencies.

The vast majority of drugs seized in North Dakota originate outside of the State. A majority of seized methamphetamine and fentanyl laced heroin by North Dakota law enforcement originates in Mexico and is smuggled through the southwest border by Mexican drug cartels. Once in the United States, the drugs are repackaged for interstate transportation and supplied to North Dakota-based drug trafficking organizations.

Pharmaceutical and counterfeit painkillers and heroin comprise the majority of illegal opioid use in North Dakota. While prescription drug abuse has increased significantly, prescription rates have been reduced by the medical community, which has resulted in a supply deficit of the diverted pharmaceutical opioids. Mexican cartels have responded by manufacturing illicit counterfeit opioids that are visually indistinguishable from pharmaceutical opioids.

These drugs are being smuggled into the United States with cocaine, heroin and methamphetamine shipments. These counterfeit opioids and heroin containing fentanyl and other powerful synthetic opioids in illegal dosages as compared to the legitimate pharmaceutical opioids. Unfortunately, the consumption of counterfeit opioids pills can have tragic consequences for the unwitting users, often leading to overdose and/or death.

DEA's presence in North Dakota consists of our Fargo resident office and Bismarck post of duty, both of which have a combined force of five special agents and eight federally-deputized State and local task force officers. Over the past ten months, DEA's efforts in coordination with the North Dakota U.S. Attorney's office, the Bureau of Indian Affairs, MHA Three Affiliated Tribes Task Force, and the North Dakota Bureau of Criminal Investigation has resulted in six very successful investigations, targeting methamphet-

amine and fentanyl laced heroin drug trafficking cells responsible for supplying several of the tribal reservations in North Dakota. These investigations were successful in tracking the supply chains of six North Dakota trafficking cells to their ultimate wholesale sources of supply in California, Arizona, Las Vegas and New Mexico. These cases are all in various stages of prosecution and/or pending prosecution before the North Dakota U.S. Attorney's office.

In conclusion, as Federal, State, and tribal law enforcement partners continue to combat drug trafficking organizations, the clear and present dangers of methamphetamines, synthetic opioids, heroin and the recent resurgence of cocaine will continue to plague and cause harm to our communities. Tribal lands with international borders are also of significant concern, as DTOs will continue to exploit weaknesses in the integrity of the U.S. international borders.

As such, DEA is committed to enhancing the government-to-government relationships that exist between this Nation's tribes and Federal government. We respect tribal government authority to exercise their inherent sovereign powers, and we will continue to find areas of mutual collaboration that will enhance the enforcement of our Nation's drug laws and protect the health and safety of the public.

Thank you again for the opportunity to appear before the North Dakota delegation today. I look forward to answering your questions.

[The prepared statement of Mr. Salter follows:]

PREPARED STATEMENT OF RICHARD SALTER, SPECIAL AGENT IN CHARGE, DRUG ENFORCEMENT ADMINISTRATION, U.S. DEPARTMENT OF JUSTICE

Chairman Hoeven, Senator Cramer, and Representative Armstrong: on behalf of the Department of Justice (Department), and in particular the approximately 9,000 employees of the Drug Enforcement Administration (DEA), thank you for the opportunity to appear before you today to discuss DEA's efforts and challenges in collaboration with tribal communities in our law enforcement activities.

Illicit drugs, as well as the transnational and domestic criminal organizations that traffic them, continue to represent significant threats to public health, law enforcement, and national security in the United States. Drug overdose deaths are the leading cause of injury death in the U.S. and are currently at one of their highest-ever recorded levels. Every year since 2011, drug overdose deaths have outnumbered deaths by firearms, motor vehicle crashes, suicide, and homicide. In 2017, approximately 192 people died every day from drug overdoses.¹ The opioid threat (controlled prescription drugs, synthetic opioids, and heroin) has reached epidemic levels in the U.S., affecting large portions of the population. Meanwhile, as the ongoing opioid crisis justly receives national attention, other threats are developing in the background. The methamphetamine threat remains prevalent; the cocaine threat has rebounded; New Psychoactive Substances (NPS) are still a challenge; and the domestic marijuana situation continues to evolve.

Our mission is to identify, investigate, disrupt, and dismantle the world's most significant drug trafficking organizations responsible for the production and distribution of illegal drugs. To that end, we work closely with our Tribal, local, state, federal, and international counterparts by following the evidence wherever it leads.

North Dakota Drug Statistics and Information

North Dakota State and Local Intelligence Center (NDSLIC) assesses with high confidence that illegal drugs continue to pose a high threat to North Dakota. Marijuana continues to be the most seized drug in the state, followed by methamphetamine.² Additionally, record amounts of both marijuana and methamphetamine were seized within the state in 2017. The majority of the seizures within the state

¹ <https://www.dea.gov/documents/2018/10/02/2018-national-drug-threat-assessment-nda>

were the results of traffic stops on vehicles traveling through the state enroute to Minnesota.³

The NDSLIC also assesses with high confidence that the price of illegal drugs sold in North Dakota is considerably higher than the traffickers' home states, which makes the risk of bringing drugs to North Dakota and maintaining a criminal network in-state a worthwhile gamble.⁴ Members of Mexican Transnational Criminal Organizations (TCOs), Outlaw Motorcycle Gangs (OMGs), and U.S.-based street gangs have relocated to North Dakota in order to take advantage of these elevated profits, and will likely increase their efforts to expand their share of the illegal drug market within the state.

According to the NDSLIC, drugs seized in North Dakota are primarily grown or manufactured outside of the state and trafficked into each county. The majority of seized marijuana within the state was grown in California, Colorado, Washington, or Oregon and destined for Minnesota. Likewise, the majority of seized methamphetamine and heroin originated in Mexico and was smuggled into California by Mexican TCOs. The drugs were then divided into smaller shipments by California street gangs and transported to North Dakota.⁵

Pain killers comprise the majority of illegal prescription pill abuse in North Dakota and are usually taken orally, or, to a lesser extent, smoked in a pipe or heated on aluminum foil and smoked. Although it is difficult for law enforcement to estimate the number of illegal prescription pills diverted from legitimate sources, the majority of diverted pills are likely thefts from legitimate ultimate users in small numbers.⁶ As controlled prescription drug (CPDs) abuse has increased significantly, a supply deficit has resulted. Traffickers are now disguising illicit opioids as CPDs in attempts to gain access to new users by manufacturing counterfeit pills. The counterfeit pills often closely resemble legitimate pills and contain fentanyl and fentanyl related substances and are then moved into the illicit U.S. market, to meet the epidemic proportionate demand for prescription opioids. Unfortunately, the consumption of counterfeit pills can have drastic consequences for the user easily leading to overdose or death. Determining if one of these fentanyl-laced counterfeit prescription pills contains fentanyl based on sight alone is impossible; the presence of fentanyl can only be detected upon laboratory testing.

North Dakota's overdose related deaths in 2017 showed a slight decline. According to the Centers for Disease Control and Prevention (CDC), North Dakota reported 68 overdose deaths in 2017 compared to 77 in 2016.⁷ However, this statistic does not tell the whole story because some police departments within the state have actually seen an increase in overdose deaths. For example the Grand Forks Police Department reported 32 opioid overdoses in 2017 resulting in 4 deaths, which is an increase from 28 overdoses in 2016, which led to 3 deaths.⁸

DEA Tribal Collaboration in Drug Enforcement Efforts

DEA is committed to working with the American Indian and Alaskan Native Communities. We recognize that each Tribe's history and culture is unique and a solution that works for one Tribe may not be suitable for another. DEA acknowledges the various traditional cultural practices of each Tribe and is sensitive to the need for effective cross-cultural communication. DEA is committed to helping protect all Native Americans from illicit drugs and the crimes that follow drug trafficking. Collaboration between federal law enforcement and Tribal Nations is vital to protecting citizens of both domestic nations.⁹

DEA supports the Tribes' efforts to build innovative approaches to law enforcement, public safety, and victim services. We work to facilitate communication and build relationships among our federal partners that are engaged with Tribal governments to promote the sharing of federal resources and expertise.¹⁰

DEA currently has two headquarters liaisons assigned to Indian Country who coordinate with the Bureau of Indian Affairs (BIA) frequently on all drug-related matters. DEA also frequently communicates with the BIA—Office of Justice Services Deputy Bureau Director, Mr. Charles Addington, to coordinate and collaborate on drug investigations. DEA's Regional and Local Impact Section (DEA/OGR) has assisted in bringing together DEA, the Federal Bureau of Investigations (FBI), and BIA Agents to coordinate drug investigations in DEA's area of responsibility. DEA/OGR has an outstanding relationship with Mr. Addington and his BIA staff. Also,

^{2,3}North Dakota State and Local Intelligence Center "North Dakota Drug Threat Assessment" (July 2018)

⁷CDC "Drug Overdose Deaths" <https://www.cdc.gov/drugoverdose/data/statedeaths.html>

^{4,5,6,8}North Dakota State and Local Intelligence Center "North Dakota Drug Threat Assessment" (July 2018)

^{9,10}Office of the Attorney General "Attorney General Guidelines Stating Principals for Working With Federally Recognized Indian Tribes" Federal Register Vol. 79, No. 239 (December 2014)

members of DEA/OGR have attended several meetings for the Indian Country Federal Law Enforcement Coordination Group (ICFLECG) as DEA's liaisons, and have briefed senior level executives from various federal agencies on Tribal matters.

The Department and DEA components regularly conduct Tribal Land trainings for staff. These trainings range from investigative and prosecutorial techniques to law enforcement collaboration and cultural sensitivity. The next training is scheduled for May 7, 2019 and is titled, "Collaborative Drug Enforcement in Indian Country—Investigative and Practical Techniques." Also, DEA attended the December 19, 2018 meeting/seminar entitled "Strengthening Government to Government Partnerships and Relationships" hosted by the North Dakota Indian Affairs Commission. The emphasis of this seminar was taking a "team approach" in our collaborative activities.

DEA has also worked with Tribal Nations in implementing DEA's 360 program in places such as Albuquerque, NM and Flagstaff, AZ. The DEA 360 Strategy takes an innovative, three-pronged approach to combating heroin/opioid abuse through:

1. Coordinated law enforcement actions against drug cartels and heroin traffickers in specific communities;
2. Diversion Control enforcement actions against DEA registrants operating outside the law and long-term engagement with pharmaceutical drug manufacturers, wholesalers, pharmacies, and practitioners; and
3. Community Outreach through local partnerships that empower communities to take back affected neighborhoods after enforcement actions and prevent other Drug Trafficking Organizations from filling the void left by removal of violators.

DEA's Diversion Control Division (DC) maintains a strong working relationship with the Tribal Nations through their collaboration during the National Take Back Initiatives (NTBI) that occur biannually throughout the United States. Tribal Nations have partnered with DEA since the inception of NTBI in 2010. In September 2010, the DEA held its first ever National Drug Take Back Day. This initiative addresses a vital public safety and public health issue by disposing of unused, unwanted, and expired CPDs. The American public turned in more than 242,000 pounds of prescription drugs for safe and proper disposal. More than 4,000 take back sites were available in all 50 states.

Since 2010, the DEA has held a total of sixteen (16) Take Back Days resulting in the collection of 10,878,950 pounds of unused, unwanted, and expired medication. Additionally, since 2010, the number of collection sites has grown to 5,839 with 4,770 law enforcement participants. The most recent National Take Back event held on October 27, 2018 resulted in DEA collecting and destroying close to one million pounds—nearly 457 tons—of potentially dangerous expired, unused, and unwanted prescription drugs.

Prior to the October 2018 NTBI, the DC re-engaged with BIA to re-focus efforts on increasing Tribal Nation participation in NTBI. By partnering with FBI, BIA, and Tribal law enforcement, the DEA was able to facilitate greatly expand Tribal participation in the Take Back program. DEA remains committed to supporting public safety in American Indian and Alaska Native communities. In fact, during the fall of 2018, BIA direct-service law enforcement locations resulted in over 1,710 pounds of unwanted and unused medications collected and disposed of by DEA; this is the second largest amount collected by our Tribal partners during the National Take Back events.

DEA Challenges on Tribal Lands

Prescription drug monitoring programs (PDMPs) are state-run electronic database systems used by practitioners, pharmacists, medical and pharmacy boards, and law enforcement, but access varies according to state law. These programs are established through state legislation and are tailored to the specific needs of each state. DEA strongly champions robust PDMPs and encourages medical professionals to use this important tool to detect and prevent doctor shopping and other forms of diversion. Currently, all 50 states have an operational PDMP.

While PDMPs are valuable tools for prescribers, pharmacists, and law enforcement agencies to identify, detect, and prevent nonmedical prescription drug use and diversion, PDMPs do have some limits in their use for detecting diversion at the retail level. For example, drug traffickers and drug seekers willingly travel hundreds of miles to gain easy access to pain clinics and physicians that are operating unscrupulously and outside of the law, making interconnectivity between PDMPs vital. As a result, the Office of National Drug Control Policy (ONDCP) and the Bureau of Justice Assistance (BJA) currently offer assistance for interstate and state-Tribal PDMP linkages. Federal partners are working to address the interoperability

of PDMPs. Examples range from Brandeis University's PDMP Training and Technical Assistance Center, funded by BJA, assisting the Indian Health Service (IHS) to improve interoperability between IHS, its pharmacies and PDMPs to CDC working in states to enhance and maximize PDMPs as a public health and clinical tool.

Law enforcement access to request, view, and utilize PDMP data in support of ongoing investigations in a manner that protects personally identifiable information is vital. Access to information in support of active state, federal, and tribal investigations varies widely from state to state, with some states requiring a court order for law enforcement to obtain data.

As DEA along with all of its federal, state, local and Tribal partners continue to combat Drug Trafficking Organizations (DTOs), it is clear that the resurgence of cocaine and methamphetamine will continue to plague our citizens. Areas of Tribal land that have an international border are also of concern. DTO's will continue to take advantage of weaknesses in the integrity of the United States. It is imperative that DEA and its partners continue to work together to identify those areas of concern, share law enforcement and intelligence information regarding DTO's exploits and dedicate resources to mitigate those threats as a team.

Conclusion

DEA is committed to enhancing the government-to-government relationship that exists between this nation's Tribes and the federal government. We respect Tribal government authority to exercise their inherent sovereign powers and will work to find areas of mutual collaboration that will enhance the enforcement of our Nation's drug laws and protect the health and safety of the public. Thank you again for the opportunity to appear before the North Dakota delegation today. I look forward to answering your questions.

The CHAIRMAN. Thank you, Mr. Salter. And now we will turn to Mr. Addington.

STATEMENT OF CHARLES ADDINGTON, DIRECTOR, OFFICE OF JUSTICE SERVICES, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Mr. ADDINGTON. Good morning, Chairman Hoeven, Senator Cramer, Representative Armstrong. My name is Charles Addington, I am the Director for the BIA Office of Justice Services out of Washington, D.C. I am pleased to provide a statement on behalf of the Department on the topic of keeping dangerous drugs out of Indian Country.

First of all, I want to recognize all of our partners out here in the audience and here on this panel, our Federal, tribal, and State partners that we deal with on a daily basis. We have great working relationships with these agencies, because we have to have that partnership to do our job in Indian Country with the lack of resources in Indian areas.

So drug-related activity in Indian Country is a major contributor to violent crimes and poses serious health and economic hardships on Indian communities. The abuse of methamphetamines, heroin, and other illicit drugs continues to have devastating effects on tribal families and communities and puts a strain on collective efforts to confront this issue.

The use of illicit drugs that relates to impaired behavior that can result in violent and other criminal behavior. In fiscal year 2018 alone, BIA tribal law enforcement programs reported a 47 percent increase in drug cases, more than a 28 percent increase in drug-related deaths on the reservations throughout the Nation. A 47 percent increase, that we have seen every year that are drug-related, and cases continue to go up. So the prevalence of drugs in Indian Country continues to be a problem.

Indian Country saw a substantial increase in methamphetamine seizures in 2018 and that was one of the leading factors that we had a 385 percent surge in overall seizures, total [indiscernible] 2018 and were reported to the BIA through its BIA and tribal law enforcement programs.

While methamphetamines continue to be the most prevalent drug seized in drug [indiscernible] in Indian Country, our field drug agents are also seeing an increase in heroin being sold in Indian Country, so we may be [indiscernible] seeing in different communities across the Nation.

An abundance of methamphetamine [indiscernible] distributed by drug cartels has led to lower prices and easier access to methamphetamines. We have seen a number of heroin seizures in 2018 that increased by 190 percent in heroin that was seized in Indian Country. Crystal methamphetamine seizures went up 342 percent. [indiscernible] methamphetamine seizures went up 658 percent. These are large numbers, what we are seeing, seizures of drugs in Indian Country. And it continues every year to increase.

Specific types of illicit drugs found in Indian Country varies by region, and is largely influenced by what drugs are available in larger cities near reservations. Why meth and marijuana and methamphetamines [indiscernible] substances since we most likely see abuse of prescription drugs and heroin. The use has increased in tribal communities.

It has been our experience with illicit drugs [indiscernible] in Indian Country are now [indiscernible] active on the reservation, they are trying to [indiscernible] get in Indian Country by any [indiscernible] either through travel to nearby cities, also numerous border towns to purchase drugs, primarily from well-known organized drug trafficking organizations. The primary illicit drug trade that is reported in the Great Plains region are methamphetamine, marijuana, and prescription pills. It has been BIA's experience that the majority of the methamphetamine on the reservations in the Great Plains region is coming in from neighboring communities who have historically been supplied by sources in metropolitan areas.

Just in the month of January 2019, the BIA Office of Justice Service made five drug-related arrests during two separate incidents on the Standing Rock Reservation, just south of our location here. During the first encounter, a BIA officer arrested two individuals found in possession of 75 grams of methamphetamine, and \$7,500 in cash from sales of the drugs on the reservation. During the second encounter, the BIA officers arrested three individuals found in possession of 96 grams of methamphetamine and 240 prescription pills and a large number of cash and wire transfer checks. With the reservations lacking in resources necessary to proactively address the overall drug threat they are experiencing, OJS is engaged in a number of wide-reaching, multi-pronged efforts to prevent the spread of dangerous drugs in Indian Country.

The BIA Office of Justice Services has a specialized national drug enforcement division specifically designed to investigate the distribution of illegal drugs in Indian Country. In 2018, the Division of Drug Enforcement was comprised of only 28 drug agents stationed throughout the Nation, and mostly assigned to Federal, tribal and State drug task forces across the Nation. These partner-

ships allow us to employ a force multiplier [indiscernible] to combat illicit drugs in Indian Country. In the two areas, tribal law enforcement has been assigning officers to these task forces. [indiscernible] the number of law enforcement agencies has played a significant role in increasing our ability to address drug issues in Indian Country. And BIA has a great working relationship with our DEA and SCI and tribal and State drug task force offices.

In the beginning of 2018, an intense effort was put forth by BIA Division of Drug Enforcement, [indiscernible] State and tribal law enforcement and our Federal and State law partners to tackle drug trafficking on the reservations. The Department of Interior established a DOI opioid task force that specifically targeted high traffic drug areas throughout the year. BIA successfully led the joint multi-pronged operation, which resulted in 372 arrests and the seizure of approximately 3,287 pounds of illegal narcotics, with an estimated street value of approximately \$9.8 million.

BIA has also teamed up with our Federal, tribal and local partners to do community outreach about opioid abuse [indiscernible]. In 2018, 58 community workers advanced throughout Indian Country, reaching over 1,087 community participants. The DEA also partnered with Office of Justice Services to provide materials that provided awareness to educate members of the communities on opioid awareness.

One other thing that BIA Office of Justice Services did for drug enforcement is we implemented a 4-1-1 tip drug app, to actually download on your mobile phone, either on iPhones or an Android phone, where a user can actually make reports of drug activity and actually communicate directly with our drug agents through that app, or they can do it anonymously. We have implemented that and received a lot of great information from community members willing to step forward and help address the drug problems on the reservation.

In conclusion, Mr. Chairman, I want to thank you for the opportunity to address the Committee regarding this important matter. Although we have implemented some sound measures to stop illegal drugs from entering Indian country, we have a lot of work ahead of us. The Department will continue to work closely with our Federal, tribal and State partners to strengthen our effort to battle these illegal drugs and prevent further devastation of our Indian Country communities.

We were able to increase our drug enforcement staff here in the region. We have assigned some new staff up here, we have some in Turtle Mountain now, we have one at Spirit Lake, a new position, a drug enforcement position. We have another here in Bismarck we just assigned, that we are going to be filling. We also added, I think the [indiscernible] positions [indiscernible] in our BIA law enforcement agencies and some of our local agencies here in North and South Dakota.

So with that, I would be happy to answer any questions you might have.

[The prepared statement of Mr. Addington follows:]

PREPARED STATEMENT OF CHARLES ADDINGTON, DIRECTOR, OFFICE OF JUSTICE
SERVICES, BUREAU OF INDIAN AFFAIRS, U.S. DEPARTMENT OF THE INTERIOR

Good afternoon Chairman Hoeven, Vice Chairman Udall and members of the Committee. My name is Charles Addington and I am the Director for the Office of Justice Services (OJS) in the Bureau of Indian Affairs (BIA) at the Department of the Interior (the Department). I am pleased to provide a statement on behalf of the Department on the topic of the Committee's oversight hearing focused on keeping dangerous drugs out of Indian Country.

Overview

The BIA has a service population of about 1.9 million American Indians and Alaska Natives who belong to 573 federally recognized tribes. The BIA supports 191 law enforcement programs with 34 BIA-operated programs and 157 tribally-operated programs. Approximately 70 percent of the total BIA OJS programs are contracted with tribes as authorized under Public Law 93-638, as amended, or compacted with tribes as authorized under Title IV of the Indian Self Determination and Education Assistance Act, as amended. Additionally, many tribes supplement OJS funding with funding from their tribe's treasury, grants from the Department of Justice (DOJ), or other sources. Under Public Law 83-280 and similar legislation, the remaining tribes rely on state and local law enforcement to combat crimes occurring on the reservation.

OJS provides a wide range of law enforcement services to Indian Country. These services include uniform police services, criminal investigations, detention program management, tribal courts, drug enforcement, internal affairs and officer training conducted by the Indian Police Academy. OJS is statutorily responsible for enforcing federal law and, with the consent of a tribe, tribal law within Indian Country. With this great responsibility, OJS takes every opportunity to enhance our abilities to protect our tribal citizens and communities.

Drug-related activity in Indian Country is a major contributor to violent crime and imposes serious health and economic hardships on Indian communities. The abuse of methamphetamine, heroin, and prescription drugs continues to have devastating effects on tribal families and communities and has put a strain on collective efforts to confront this issue. Furthermore, the abuse of these illicit drugs typically leads to impaired behavior that can result in violence and other criminal behavior. In Fiscal Year (FY) 2018, BIA and tribal law enforcement programs reported a 47 percent increase in drug cases worked and a 26 percent increase in drug related arrests made on reservations throughout the nation.

Indian Country saw a substantial increase in methamphetamine seizures and marijuana eradications in FY 2018, leading to a 385 percent surge in the overall seizure totals in 2018. The increase is contributed to the abundant amounts of illegal narcotics that are being distributed in Indian Country and the increased seizures by BIA Drug Agents and DOI Opioid Task Forces. Methamphetamine continues to be the most prevalent drug seized from drug operations in Indian Country. Field drug agents reported an increase in the heroin being sold in Indian Country. The abundance of methamphetamine being distributed by Mexican cartels has led to lower prices and easier access to methamphetamine. In FY2018, the number of heroin seizures reported increased by 190 percent, the number of crystal methamphetamine seizures increased by 342 percent, the number of powder methamphetamine seizures increased by 658 percent, the number of marijuana plants seized increased by 592 percent, and the number of processed marijuana increased 211 percent.

Opioid-related overdoses in some Indian Country communities have been linked to fentanyl, a Schedule II synthetic opioid originally developed to serve as both an analgesic (painkiller) and an anesthetic. The strong opioid properties of fentanyl have made it an attractive drug of abuse. The ease of with which fentanyl can be acquired compounded by its potent narcotic effects has drastically increased the risk of overdoses and deaths in our tribal communities.

The specific type of illicit drugs found in Indian Country varies by region and is largely influenced by what drugs are readily available in larger cities near reservations. While marijuana and methamphetamine are the illicit substances we see most widely abused, prescription drugs and heroin use have increased in many tribal communities. It has been our experience that most illicit drugs available throughout Indian Country are not manufactured on the reservations, but rather transported into Indian Country by independent dealers who travel to nearby cities, also known as border towns, to purchase the drugs primarily from well-organized Drug Trafficking Organizations (DTOs). While individual drug abusers generally engage in property crimes to support their addiction, drug traffickers often engage in violent

crimes to facilitate their operations. Mexican DTOs, the principal wholesale suppliers and producers of most illicit drugs available in tribal communities, pose the greatest “organized” threat.

The primary illicit drug threats reported in the Great Plains Region are methamphetamine, marijuana and prescription pills. However, alcohol abuse continues to be the most significant challenge we encounter in the course of our work. It has been the BIA’s experience that the majority of the methamphetamine on the reservations in the Great Plains Region is coming from neighboring communities who have historically been supplied by sources in the Denver, Colorado and Minneapolis, Minnesota metropolitan areas.

Just in the month of January 2019, BIA Office of Justice Services made 5 drug related arrests during two separate incidents on the Standing Rock Reservation. In the first encounter, BIA Officers arrested 2 individuals found in possession of 75 grams of methamphetamine and \$7,500 in cash. During the second encounter, BIA Officers arrested 3 individuals found in possession of 96 grams of methamphetamine, 240 Oxycodone, Xanax and Hydromorphone pills, and \$9,872 and \$27,100 in wire transfer checks.

BIA OJS has a specialized national drug enforcement division specifically designed to investigate the distribution of illegal narcotics in Indian Country. In FY2018, the BIA Division of Drug Enforcement was comprised of 28 BIA Drug Enforcement Agents that are mostly assigned to federal, tribal or state Drug Task Forces across the United States. These partnerships allow us to employ a force multiplier approach to combat illicit drugs in Indian communities. In a few areas, tribal law enforcement has the ability to assign officers to these task forces. Teaming up with other law enforcement agencies has played a significant role in increasing our ability to address drug issues in Indian Country.

At the beginning of 2018, an intense effort was put forth by BIA Drug Enforcement Agents, tribal police officers and our federal and state law enforcement partners to tackle the drug epidemic on the reservation. The Department established DOI Opioid Task Forces that specifically target hightraffic drug areas throughout the year. BIA OJS successfully led these joint law enforcement efforts which resulted in 372 arrests and the seizure of approximately 3,287 pounds of illegal narcotics with an estimated street value of approximately \$9.8 million dollars.

Ultimately, most reservations remain economically depressed and thus lack the resources necessary to proactively address the overall drug threat they are experiencing. With that in mind, OJS has engaged in a number of wide-ranging, multipronged efforts to prevent the spread of these dangerous drugs in Indian Country.

Community Awareness Efforts

OJS has teamed up with federal, tribal, and local partners to begin conducting community outreach meetings in which community members are provided with opioid awareness training. In FY2018, 58 opioid community awareness events were conducted throughout Indian Country, reaching over 1,087 community participants. The Drug Enforcement Administration (DEA) has also partnered with OJS and provided numerous materials that are provided during these awareness meetings to educate members of the communities on opioids.

BIA OJS also implemented a 411Tip application that allows community members to report drug activity directly to BIA Drug Enforcement Agents through a smart phone app or text message. The new tools have been promoted through social media and 411Tip flyers placed in local communities.

Training Efforts

According to the BIA Indian Police Academy, in 2018 a total of 489 law enforcement officers received drug training from BIA OJS, a 20 percent increase over the number trained in 2017. OJS Tribal Justice Support (TJS) coordinated with DOJ to develop a drug training curriculum and in March 2018 approximately 42 tribal prosecutors received training on trial skills associated with prosecuting opioid abuse and violent crimes.

In efforts to train approximately 300 more tribal court personnel, 10 additional training sessions will be held throughout Indian Country. This training will be similar to those received by state and federal prosecutors and will also focus on trial skills. This training is based on the National Institute for Trial Advocacy Training, modified for tribal courts which includes: best practices in charging specific crimes, opening statements, introduction of evidence, direct and cross-examination techniques, and closing arguments. Additionally, since October 30, 2017, OJS TJS has provided funding to tribes to train tribal court personnel on opioid awareness and

opioid abuse. Over 200 tribal court personnel have taken advantage of these trainings.

Partnership Efforts

To equip BIA law enforcement officers with the tools they need to reverse the effects of an opioid overdose, OJS entered into a Memorandum of Understanding with the Indian Health Service (IHS) to train and equip BIA officers with Naloxone. The partnership with IHS has allowed BIA officers to carry and administer naloxone in an emergency situation. In 2015, IHS started providing hands-on training for opioid overdose rescue kits (also known as Narcan) containing the naloxone nasal spray and, following completion of the training, the rescue kits are issued by IHS to BIA officers. In 2017, IHS began training BIA officers to be Naloxone Trainers, allowing the BIA to take over and sustain its own training program. As of December 2018, IHS had trained 321 BIA Law Enforcement Officers as well as certified 48 BIA Law Enforcement Officers as naloxone trainers. In 2018, the BIA began working with IHS to expand the training out to tribal law enforcement programs. This partnership is already a proven success and has demonstrably saved lives in Indian Country as BIA officers have deployed Narcan during emergency responses to overdoses.

OJS is also collaborating with DEA on identifying the sources of heroin/fentanyl being distributed to Indian Country through a partnership with a DEA special laboratory. The special laboratory provides a more detailed analysis of the heroin seized in Indian Country investigations, giving drug investigators information on the type, mixture, level of potency and origin of the heroin.

OJS TJS is collaborating with the DOJ Office of Juvenile Justice and Delinquency Prevention to assist several communities in creating Juvenile Wellness Courts. OJS TJS has worked with tribal court personnel in Barrow, Alaska by providing one time funding for tribal court positions focusing on juveniles involved with illegal narcotics and opioids, and by advocating for the need to address the opioid epidemic among juveniles and young adults in Barrow.

Conclusion

Mr. Chairman, thank you for the opportunity to address the Committee regarding such an important matter. Although we have implemented some sound strategies to stop dangerous drugs from entering Indian Country, we have a lot of work ahead of us. The Department will continue to work closely with our federal, tribal and state partners to strengthen our efforts in combatting these illegal drugs and preventing them from further devastating our Indian Country communities.

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

The CHAIRMAN. Thank you, Mr. Addington. Thanks to all three of our witnesses. We will start with five-minute rounds of questioning.

I want to begin with you, Ms. Sanborn. The FBI, as you detailed, is charged with investigating the most serious crimes in Indian Country. So give us some sense of how successful, or what your success rate is, in solving those crimes, and maybe the biggest barrier that prevents you from solving more.

Ms. SANBORN. The vast majority of the violent crimes in North Dakota specifically are those crimes that are mentioned, which are crimes against children. Forty percent of our cases, 80 percent of our time. But in 2018 alone, I think what speaks to the success of our work collaboratively with our partners, is almost 400 arrests in my territory here in Minnesota, North Dakota and South Dakota. That is an arrest rate of almost one arrest per day.

And when you look at the fact that that is coming from 30 percent of my workforce, it makes up 70 percent of my overall division stats, that is a pretty impressive number. I believe it shows a commitment on behalf of our partners, my agency and the Department of Justice.

On the cases involving, against the children, those are tough cases, and the solvency rate is probably not as high on those as we would like. Here are some of the reasons those make those tough

cases. Oftentimes the reporting, the disclosure of that violation happens weeks, days, years after it actually happens, which then leads to memories and evidence fading. Oftentimes the young age of the victim really impedes their ability to be a productive part of that investigation with us.

I will tell you on one of my first trips out here, I went to Turtle Mountain to visit specifically a young female whose perpetrator had just been acquitted. The look on her face, despite the acquittal, made it clear to me that as important, if not more important, was the service we provide that victim, and not necessarily always the successful prosecution. The ability to give her the support she needed and the voice in that crime was paramount to me when I saw the look on her face when she saw the victim support individual show up.

The CHAIRMAN. So the biggest barrier to addressing more of the crime or solving more of the cases?

Ms. SANBORN. Those cases in particular involve a perpetrator and a witness, a victim. And oftentimes those are the only two pieces of evidence, no physical trail. And those make those very difficult cases.

The CHAIRMAN. Attorney General Stenehjem talked about the work of the Missouri River Safe Trails Task Force. Can you update us where we are with that, and their work and the status of that task force?

Ms. SANBORN. Absolutely. That task force was established a couple of years ago. Within this last year, we have really tried to energize our efforts to reinvigorate and get more task force participation. I can tell you that task force participation in general across the three States has increased, has tripled, within the last decade. So for the first time in the last decade, we have almost an equal number of task force officers and agents working Indian Country matters. We are almost at 70 individuals in those three States working Indian Country matters. So really, increased our task force participation by about triple within the last decade.

The CHAIRMAN. So that task force is operating?

Ms. SANBORN. It is operating.

The CHAIRMAN. You are committed to it. And I would ask, for all three of you, when the Attorney General says that, these task forces in Bismarck, Minot, Williams County, Devils Lake and so forth, you are all committed to participating in those task forces, particular BIA, I think you referenced, in making sure that you have, again, we know that we are short of people across the board. It is something we are going to try to work on here, your testimony bringing out the importance of that.

But a commitment from all three of you that you will, for the people you have that are actively engaged in those task forces, so important from a jurisdictional, let alone coordination and ability to address cases perspective. You are all committed to these task forces?

[Chorus of agreement.]

The CHAIRMAN. Okay. I think those were my questions. At this point, I will turn to Senator Cramer.

Senator CRAMER. Thank you. Thanks to all of you for your testimony.

I would like to focus a little bit on BIA. John was alluding to something the Attorney General said about BIA not being part of the task force. I don't remember what the specific reason was for that. Has that been resolved? Has there been State or Federal recognition of some sort?

Mr. ADDINGTON. Thank you for the question. The reason that we are not a part of the task force is usually because we do not have staff here to place on the task force. With the BIA, our drug enforcement agents, we have so few of those across the Nation, we have to be part of the task force in order to be effective.

So we place those drug agents actually on either an FBI Safe Trails, a DEA task force or a State task force, either with BCI or someone sharing a State or tribal task force. So we would be putting actual staff on those ones, we get those [indiscernible].

Senator CRAMER. So let's drill down a little bit then on the resource issue, mainly the human capital issue. If we had all the money in the world, that still wouldn't solve some of your challenges, at least for the people. I think Senator Hoeven referenced earlier that the TLOA bill expedites the background check process. It is my understand BIA uses the Office of Personnel Management, which has sometimes it's hundreds and thousands of background checks.

As you look at TLOA and you look at that challenge, do you see some way where we can streamline and expedite that process, so that it doesn't become a deterrent, and while at the same time maintaining the importance, obviously the integrity of the background check?

Mr. ADDINGTON. Absolutely. We are a full supporter of the bill that was introduced in the last Congress to actually use the pilot program that has been included in the Tribal Law and Order Act. It will give us the ability to be able to put someone on a background investigation a lot sooner than OPM is doing them currently.

Now, the flip side of that is, we don't have resources to do the backgrounds. So that is the flip side of that. But it will give us the ability, so if I need a police officer tomorrow at Standing Rock or Spirit Lake, I can actually go do that background on that applicant and get that done a lot quicker than OPM can do it, and actually get it through the process and get that and get that cop there on the ground a lot quicker. That is what is going to be great about the bill.

Senator CRAMER. Yes. So this gets to, and I am just going to think out loud, which is dangerous to say. As you think about the collaboration and cooperation of all these partnerships, everybody, one of the frustrations in North Dakota, I know, having worked in government a long time, and even some of the issues we are dealing with now is the military [indiscernible] response to that [indiscernible], is there is a resistance within stakeholder groups to allow cross, sort of agency recognition, right? Whether it is through certification of some sort, education, training, all those types of protections.

Do you see there could be some improvement there? Because if there is a background check and there is a backlog somewhere, or a choking point somewhere in the pipeline, could you see better re-

lationship across, I don't want to call it deputization, because that implies something different, but just cooperation that would maybe loosen that bottleneck and provide you more opportunities, maybe more places [indiscernible] for background checks [indiscernible]?

Mr. ADDINGTON. Oh, yes, and the language, I believe, that is going to be introduced in this pilot program actually allows the BIA to accept a, or tells OPM that they have to accept a tribal background or a State background if it meets the standard. So I think that is going to be really beneficial to us as well, so if we have someone who is coming from the State who already has a State background that meets our standards, why would we do another background on that same individual and take that additional time?

So I think that is going to help eliminate some of those obstacles, to be able to accept other backgrounds, or maybe we only have to do some that meet our standards, something small that might take a week instead of having to go through that full background.

Senator CRAMER. So then along a similar line, I know one of the other challenges we have that has come up is training, and the lack of training, and places for training. Yet here we sit in this spectacular United Tribes Technical College and we know we have tribal colleges around the State, the Attorney General talked about the Academy, and the recognition, maybe, or lack thereof. Do you see that happening maybe for a northern tier training facility that would help that pipeline of talent?

Mr. ADDINGTON. It depends on what level of academy we are looking at. Of course, our training academy at Artesia, New Mexico is sort of the law enforcement training center. So that is regional, it is at a facility where it would be recognized and get certification from them.

We actually looked up in North Dakota, several years back at putting maybe a northern academy of some sort up here. The Tribal Law and Order Act has since expanded to where we can accept State academy and tribal colleges if they are recognized by the State. So that has eliminated some of the problem.

So if someone went to the classes here at the college, at United Tribes, it is recognized by the State of North Dakota as being their peace officer basic training program, we could actually accept that. Then all we would have to do then is send that officer to a criminal jurisdiction in Indian Country, even on the Federal side, which we can't bring out to Indian Country.

Senator CRAMER. I would like to see that reciprocity both ways. I think that on our side, on the State side, since I am [indiscernible]. But I thank you for that.

The CHAIRMAN. TLOA.

Senator CRAMER. Yes.

Mr. ADDINGTON. Yes. It fixed a lot of issues that we were having with accepting State academy or tribal colleges by TLOA.

Senator CRAMER. Thank you. And I am going to feedback off that for a second and talk about the background checks. At least, even if you still have to conduct yours, is there a mechanism that they can work while it is going on, if they have a State one [indiscernible] meet your requirements and there are two different sides to this, right? We have to go get the Federal certifications. But also,

can they work while they are going in it? Because they have the State background check.

Mr. ADDINGTON. If it meets our standards, then we could actually allow them to work in some instances. There is a waiver process if they haven't been to training to where we can actually do a waiver and waive the regulations and actually bring them on and get them into training while they are waiting on that. So there are a couple different avenues. But actually putting them to work on the street without having that background that meets the Federal standards, we are not able to do that just because of the [indiscernible].

Senator CRAMER. State training has to be [indiscernible].

Mr. ADDINGTON. Yes.

Senator CRAMER. I am going to go back to Ms. Sanborn [indiscernible]. I was fully anticipating talking to you about drugs and trafficking but now I want to get into the child sex crimes issue. There are specific facts in these cases that make them uniquely horrifying and oftentimes if it is not a family member, it is somebody very close to the family, there are denial issues, there are all kinds of different reasons why these cases [indiscernible], not to mention the age of the victim and those types of issues.

I am assuming your clearance rate when you have forensic evidence is so much higher than when you don't. These cases make it hard. But also, the real nature oftentimes of how we [indiscernible], and it is no one's fault? It is not to a local, whether it is a local tribal officer, a county officer maybe called in and we meet jurisdictional challenges before the FBI or BIA or anybody is brought into the case. Immediately, a family and a victim's response with this type of case is now seven different law enforcement agents, then the frustrating part of that. I think there could be some abilities in that [indiscernible].

That is a long drawn-out way of saying, if we had better and quicker avenues to collection of forensic evidence in these cases, they just get reported [indiscernible]. And each case is unique. I am sorry to speak in generalities.

Ms. SANBORN. Right.

Senator CRAMER. But if we can provide better ways for sexual assault nurse examiners, issues like that that we do in rural areas, would that be helpful in some cases? Or is it just the nature, they don't get reported early enough?

Ms. SANBORN. Most of them don't get reported early enough, but always forensic evidence and other witness testimony is incredibly helpful in supporting that victim's statement. So absolutely, the added forensic evidence, if they reported early and we can obtain that, would be value-added.

Senator CRAMER. Then another question which I think at least bears having this conversation about particularly the child victims, we have done this in the State court on several occasions, have you been involved in any cases where the victim has been appointed a legal guardian, like a lawyer that helps them maneuver through the process?

Ms. SANBORN. I have not been, personally, but I am aware of those.

Senator CRAMER. My experience with those is you have a much more higher likelihood of a victim following through with a case all the way to trial if they have some, a defense attorney has their role, prosecutor has their role. But oftentimes the victim's needs and wants aren't necessarily the same as the prosecutor's needs and wants.

Ms. SANBORN. One hundred percent. So our victim services division, their priority is the victim, secondary is the investigation. Their goal is to do what that victim needs, regardless of what we, the investigator or the prosecutor, might need.

Senator CRAMER. I am just thinking of lower level resource areas where we could potentially really help guide a family and a victim through the criminal justice process.

Ms. SANBORN. Any of that I believe would be incredibly valuable.

Senator CRAMER. And the victim services from the Federal level do a fantastic job, but they are often not lawyers.

Ms. SANBORN. Most of them are not, correct, they are social workers.

Senator CRAMER. The single most stressful part of that case for a 12-year old victim is going to be whether they have to testify in court with their abuser in the same room.

Ms. SANBORN. Absolutely. I can't underestimate the bravery it takes.

Senator CRAMER. That is all I have.

The CHAIRMAN. I will speak loudly. I have a few more questions.

Mr. Salter, in 2008, the DEA produced an Indian Country drug threat assessment. Would the DEA consider doing that again, what they put out in 2008 in Indian Country, the drug threat assessment? I think that was a valuable tool for tribal law enforcement. And so my question is, what about doing that again?

And the other thing is, metrics for, you have talked about the increase in drugs. What kind of metrics do you have so that we see what you are accomplishing in terms of interdicting those drugs and arresting the people that are dealing drugs, transporting drugs, the perpetrators? How are you tracking your success rate? You gave us some statistics, both of you did. How are you doing at combatting that, and how are you measuring it?

So first, an overall threat assessment so that we know what we are dealing with, which you alluded to. But then how are you measuring your success? How do we know if you are gaining or losing ground?

Mr. SALTER. Well, in answer to the first question, we could certainly take that back to our decision makers at headquarters and see about doing a threat assessment specific to tribal lands. On the other hand, we do, there are several threat assessments, different organizations that do threat assessments, HIDTA does threat assessments, DEA does threat assessments. They are usually regional, just various parts of the Country. Because the threat does change from region to region.

So there is a HIDA threat assessment, and this is the first, since I reported here last week, it was the first thing I read, was the threat assessment. So I know where our problem areas are and where we need to concentrate resources.

They are pretty accurate. There is an information gap, I believe, just based on what I have learned since I have gotten here. In the tribal lands themselves, I don't know if it is lack of communication, but we will work on that and try to get into these tribal communities and to dig down at the ground level to find out what the specific threats are in those areas. Typically, it is not going to be any different than a small town, small town American when we come in there and we see retail trafficking, we see addiction, addiction is a big problem. These addicts need help, they need treatment.

On a higher governmental, local governmental level, we need to be talking about, among law enforcement, among the medical community, the community treatment, we need to be all talking together to kind of nail down the local threat and what it is, and talk about where the drugs are coming from, who the dealers are, so that DEA can find its place and we can target these trafficking organizations.

Because they are connected from the retail dealer all the way to the source of supply. They are connected. And the retail dealer in a small town in North Dakota, we are going to connect him to a mid-level dealer in one of the source cities closer, the large source cities, and we are going to connect them through various investigative techniques and hopefully, there will be enough evidence there that we can prosecute the entire organization up and down the supply chain.

And we do that quite often. In the six cases that I have mentioned earlier, that is absolutely what has happened. And with two agents in Bismarck, we are very productive, because we partner and we co-locate with the BCI. It is a force multiplier. The intelligence sharing and the camaraderie that has developed from collocation, it is the best model out there to work drug trafficking in a local area.

The CHAIRMAN. Do all the drugs come from outside the Country? What are your metrics in terms of determining whether you are getting on top of it or not?

Mr. SALTER. Okay, to answer that question, it is a difficult question, but we only know what we know. So we measure part of the drug threat by what is being interdicted on the highways. We measure the drug threat by the price of drugs, whether they are going up and down. And I can tell you, throughout the Country, that seven years ago, methamphetamine, we were paying probably \$1,100, \$1,200 an ounce for methamphetamine. Now we are paying \$275 an ounce.

So we look at the economics of that. We know that the Country is saturated with methamphetamine. We look at overdose rates, we look at trends. So we know methamphetamine is a major problem, so we attack methamphetamine traffickers, dealers. And it is not difficult, because we take the cases as they come. If the cases are methamphetamine in this region, that is the cases we work.

They typically lead to other drugs, usually a lot of addicts are not just going to be using one drug, they are going to using other drugs. So it will lead to other investigations in other States.

The CHAIRMAN. We talked about getting more people. So I guess, Mr. Addington, what is your thought? What would be most effective to get more BIA officers? You talked about getting some more

BIA officers out here. We need more. So it is good that you brought some more. But we continue to need more. And that is true across the Country.

What do we do? How do we get more BIA law enforcement officers, both into the force and, in your opinion, what do we need to do?

Mr. ADDINGTON. It is a two-pronged approach that we are having to deal with. First of all, you have to have more resources to hire more people. They you have to have the people to be able to hire to put into positions.

So we are dealing with two separate things here. We do the unmet needs report under TLOA that we submit, I think just on the law enforcement side, and the needs for reservations across the Nation. It was like \$1.3 billion, I think, and then maybe just in the law enforcement side. But then you have to, if you had those resources, then you have to get—

The CHAIRMAN. So are we talking about, in TLOA, expediting the process, getting some flexibility, trying to get the jurisdictions to match so we can train them not only federally but hopefully with some State institutions. And we talked about more resources.

One, we need those, you would agree with that?

Mr. ADDINGTON. Right.

The CHAIRMAN. Is there something else we should have in there that would also help get the job done?

Mr. ADDINGTON. I think the hiring restrictions that we deal with a lot of times hinders us from getting folks on the ground, too. Because the HR process is so cumbersome, it keeps people from either following through to actually show up to the job because if it takes eight months or a year to go through a process, somebody's going to go get a job somewhere else.

So I think if there are things we can do to streamline the hiring process and some of the obstacles —

The CHAIRMAN. Why don't you get those for us, and make sure that Mike has them, so that we can look at possibly including them, to streamline the process?

Mr. ADDINGTON. Okay.

The CHAIRMAN. Gang activity. You have seen increasing gang activity on the reservation. What are you doing about it?

Mr. ADDINGTON. Well, it depends on where you are at, depends on the region, depends on which reservation you see some gang activity. The local gangs are, with what we are dealing with on the drug side of the house, and we have been pretty successful, has been the prison gangs that have actually run the drug trade in a lot of the tribal communities. In some areas, Rich's shop, where he just came from in Oklahoma, and RBIA and tribal law enforcement partners, they just work multiple big operations where prison gangs were actually running all the drug trade on some of the tribal lands down there.

So we have been identifying those gang members and actually working cases, working conspiracy cases, not only for the gang members that are inside the prison, but the folks that are outside that are actually distributing the drugs and committing other violent crimes in tribal communities.

So we are identifying those, and we are actually putting efforts to break those organizations up across Indian Country.

Senator CRAMER. Mr. Addington, I just want to follow up on the training. Does BIA only engage in training in New Mexico, or is there some other arrangement that they do not gain, is it up to the tribe?

Mr. ADDINGTON. Basic police officer training, basic correction training, yes, we pay for all that at the academy, because that is where we have the lodging, we have the deal with FLETC, we can house them and pay for their meals and all those kinds of things for tribal programs. Now, if it is an advanced training program, our Indian police academy pays for that training and take it out in the field if we bring training out somewhere, but not the basic. Because we get very limited money for our basic training academy. So there is not funding there to actually pay for a tribal officer to go to a State academy.

Senator CRAMER. I see, so, tuition does not follow this student.

Mr. ADDINGTON. Correct.

Senator CRAMER. But rather, you have a facility where there are efficiencies. Well, that may be worth exploring a little bit.

I want to follow up on something, a question with you, Ms. Sanborn, that Mr. Addington talked about. It is one really near and dear to me. With regard to the child crimes, this issue is so, I know you know how enormous it is, I know very well how enormous it is. Do we have the adequate resources to even understanding, on our reservations, how important this is to the prosecution and the healing process for a child victim? Because I worry, I will tell you right now, I worry that we do not, and that many child victims go it alone without a real advocate that is knowledgeable and trained and educated. Am I right, and if I am not, what can you tell me?

Ms. SANBORN. I agree with you, how important they are. I feel slightly at a luxury because my AOR has so much of that victim support for the victims in my communities. I can't underscore enough how important that advocacy is across all crimes, whether it is on the reservation or off. The ability for that victim to heal and get back in society healthy is so important.

Senator CRAMER. So as a policy maker, I am thinking about Indian children. And I am thinking, okay, do tribes have individual laws relating to this? Or do we have some responsibility at the Federal level to require this? Do you know what I am saying? This is something I feel so strongly about, because I have seen it so often [indiscernible]. I am wondering if there is more we can do as policy makers besides wish.

Ms. SANBORN. I think there is room for awareness. I can't speak to every agency's victim program. I only know in detail about the FBI's and Department of Justice's, because of the value. I think if any agency became aware of that value, they would be all in in creating a program for themselves.

The CHAIRMAN. I have something right to this point. Thank you, Senator Cramer, for bringing that up. That is so important. And you just emphasized it, I think, extremely well. In the SURVIVE Act, remember I talked about it, there is \$3 billion a year in the crime victims. The SURVIVE Act would make \$150 million of that available on the reservation, including for victims.

So specifically for that service, that is how you could get the money to deliver that service. Again, that is why it is so important that we have this input, because we are making the case.

Senator CRAMER. And I really appreciate that.

Ms. SANBORN. Yes, we didn't learn that the easy way, right? We learned that through Pam Am 103 back in the day, the importance of that victim support.

The CHAIRMAN. You are right on, that is exactly what we are trying to get done. And I hope people, when they look at this legislation, they understand that that is the kind of thing that we can accomplish when we can get the bill passed.

Ms. SANBORN. And I would follow up on that, too, specifically for the U.S. Federal court system, in that there is a mechanism obviously for court-appointed counsel for defendants, creating a situation where a victim, who oftentimes would qualify, if the victim was the defendant, they would qualify for court-appointed counsel.

Allowing victims and U.S. district judges to have the ability appoint legal guardian ad litem [indiscernible] lawyers are expensive. And they are expensive whether you are a defendant, whether you are a victim, whether you are a in a civil case. Having a mechanism where victims can apply for a legal guardian ad litem too is something that would be a policy change, that wouldn't necessarily be [indiscernible]. In our area, we have court-appointed lawyers and then we also have contract attorneys. There are ways to do it.

I just have one more question to Mr. Addington. When we are talking about getting more people into the workforce, the other thing we know, and all of you in law enforcement know, it is one thing to have people on the ground, but years of experience on the ground is also very important. Law enforcement in general, particularly in North Dakota, we have seen high rate of turnover over the last 10 years.

So one of the biggest factors that gets people [indiscernible] they do have on the ground then having them leave BIA, what can we do to better keep our good agents here longer to continue to do the work?

Mr. ADDINGTON. Yes, most of these folks who we have that are experienced here on the ground, they don't usually leave unless they are either getting promoted, going somewhere to get a promotion, or if there is some type of conduct issues or something like that that causes an issue.

It is people that we are hiring into these positions, that we don't get enough local people to apply for these positions. We are bringing people in from other areas, and they see it on the map, and they go, yeah, that's great, I want to go to work, I need a job. They show up, and we have had them leave the next day, we have had them leave a week later, two weeks later and just say, this is not for me,

Well, we have already spent all the time of going through the HR process, training them, getting them on the ground and now we are left starting all over again. So we have tried recruitment incentives, we have tried different things to bring those folks up. But it doesn't seem to keep them here. If they come up and they get a recruitment incentive, they just leave and pay their incentive back and say, this is not for me. I am going somewhere else.

Our folks that are from these areas that want to be here, we don't usually lose those folks, and that is the years of experience, until they get ready to retire. Third are people that are here on the ground that know the history, they work really good with tribal leadership and stuff. They are crucial to training these new folks that are coming into the system, because they have been here, they know how it works in certain areas. If you are not from somewhere, you have to know the culture, you have to know the region, you have to know who all the contacts are. We try to keep those folks on the ground.

But what we are seeing mostly, the revolving door, is new people coming in, and they just don't stay long in certain areas. We don't get very many people on our recruitment list when we advertise. We may get two, three people for ten jobs. Then we have to re-advertise, get a couple more. They don't pass the background phase, then we start all over again.

So it is kind of a lack of qualified applicants issue in some areas, where we just can't get enough people that are qualified that can make it through the process.

Senator CRAMER. [indiscernible] single best likelihood from your agency for us to have a guy here, a guy or girl here with ten years of service, is if they are from here?

Mr. ADDINGTON. Or they have come here from somewhere else and they have roots in the communities. They want to be here. In the BIA, most of the time, people are looking to go somewhere they want to be, because we have agencies across the Nation. So they may start here, but then they go, okay, I will be here for five years, but then I want to go back home. If a job ever opens up in Arizona, I want to go back home. So we can't keep them here if they apply for a job out there and say, no, you can't go. Because they have put their time in somewhere. So that has an effect on it as well.

Senator CRAMER. Thank you. Anyone else?

The CHAIRMAN. All right. I want to thank all three of you. We appreciate your being here. Most of all, we appreciate the work you do. We want to try to help you do that incredibly important job. Thank you.

We will recess for a third panel.

[Recess.]

The CHAIRMAN. I want to thank the tribal chairmen and chairwomen and council members for being here today representing the five reservations and the tribes in North Dakota. Of course, two of the reservations include South Dakota. I really appreciate all of you being here, and again, the work that you do.

Today on panel three we will hear from the Jamie Azure, Chairman of the Turtle Mountain Band of Chippewa. We will also hear from Chairman Mike Faith from Standing Rock. We will also hear from Councilwoman Lisa Jackson with the Sisseton Wahpeton Oyate Nation.

Also, we will hear from Myra Pearson, Chairwoman of the Spirit Lake Nation, Fort Totten. She and I have worked together for a long time. Although you are still very young. You started when you were very, very young. You and I have worked together for a long time, Chairwoman. It is great to see you again.

Ms. PEARSON. Thank you.

The CHAIRMAN. And Councilwoman Judy Brugh, with the Three Affiliated Tribes.

We appreciate your being here, again, not only representing five reservations, but even more tribes, Mandan Hidatsa Arikara, Chipewewa, Sioux, what am I missing. It is a lot of tribes. Thank you so much for being here.

Your testimony is extremely important. We have had good testimony, but obviously your role in Indian Country is so important. You have to deal with so many things, and certainly the safety of your people is paramount. We look very much forward to your testimony, and we also want to have opportunity to ask you some questions and get input, again, which we feel is a very important part of building the record to try and pass legislation that can support and help you in your incredibly important work. So with that, we will begin with Chairman Faith.

STATEMENT OF HON. MIKE FAITH, CHAIRMAN, STANDING ROCK SIOUX TRIBE

Mr. FAITH. [Greeting in Native tongue.] Good afternoon. Of course, I had this set up for good morning. It's been a long day. I tell you what, it is very important, it is a good day for this, because it is needed. It is so needed. I really want to thank the two Senators and Congressman from North Dakota. The site visit yesterday was awesome, at Standing Rock. I guess we didn't see Ben there, but we all know Ben.

Again, having the site hearings, so much better to understand our needs than just coming out here. Senator Udall's staff was down yesterday, we had Senator Hoeven's staff. And again, I would say this, [phrase in Native tongue], a big thanks. Because they saw first-hand need.

I would say this, that would probably be at every tribe. Every tribe has that need, unfortunately. Again, I want to thank you, the prayer this morning was awesome, the drum group. And of course, the veterans, the men and women of armed services. Without their sacrifice, ultimate sacrifice, we wouldn't be here today as a free people to pick and choose to speak all we want to. So it is them, the [phrase in Native tongue], the men and women of armed services, that give us that with their sacrifice and ultimate sacrifice.

[Phrase in Native tongue] Standing Rock [phrase in Native tongue]. I just told you my Indian name, Buffalo Soldier. That was given to me by my elders back in the day. I have been on the tribal council for 18 years now in different types of, from council person to vice chairman to now chairman. I also had 15 years of game and fish as a ranger and buffalo manager.

So out of that ranger, I got 820 hours of law enforcement in, working with DEA, BIA, tribal. I have to take this time to thank Frank Landeis, long-time friend, Sioux County Sheriff, worked a while with us down there. What he does as far as cross-deputization, showing that partnerships do help and work. Partnering up with the Bureau of Indian Affairs, cross-deputization on the Sioux County side, helps all around as far as minor traffic to drug stops. So again, Landeis, out of Sioux County, Sheriff, we appreciate him very, very much.

Again, like I said, I want to thank the staff that went down to do the site visit yesterday. So needed down there. You are going to hear that probably from every tribe, law enforcement, tribal courts, Indian Health Service. Again, numbers, unbelievable.

The law enforcement needs down at Standing Rock are coming around. We do have numbers picking up, boots on the ground. We do have a new chief down there that is in training. I think he might be at Artesia, he might be at police academy. Again, getting some jurisdiction in Indian Country.

But I tell you what, since he cam on board, we did see some changes as far as discipline, arrests. I think we had, I am going to say \$120,000 confiscated in drug money and all types of drugs confiscated within a four-month period. There was a heck of a difference there, because his officers worked well with him and unfortunately, most of them are just traffic stops that led to these.

So again, the data out there for the drug task force, the Northern Plains Task Force, has to come back. He was here in the past—where did I see Gerald? I saw Gerald here some place, there he is. Gerald, good to see you. He was down at Standing Rock for many, many years. He is up at Three Affiliated Tribes now. But they have a task force up there that they do MOUs, MOAs with surrounding agencies from counties to States, Federal. I guess I would say BIA would be the only one that was the stumbling block out of that.

But the other one, they are working on that now, I guess, to where they would get BIA to partner up with them. Sometimes boundaries are what they are. Some of them say they have their own protocol and stuff. So to have BIA part of theirs and ours, the task force, the support I think is going to show that people will end up going to jail for a long time for having drugs on the reservation. We have children, young ones that are addicted because of that. And it all goes hand in hand, when you run into your IHS, those people need treatment. We have a prevention center. If you can get somebody into a treatment center for 60 days, and that is just outpatient, we don't have inpatient, they have grants that help. But when you come back from treatment healthy after a short period of time and you see yourself, that you need to change, you go back into an environment that is probably going to relapse you within two weeks' time because of the action still going on within the structure of either your home or wherever it may be.

So again, the need for prevention is there. Our facility down there, I am going to say that Senator Udall's staff did take a tour through our IHS. They took a tour through the law enforcement center, the tribal court and law enforcement center. There is a need for new facilities. IHS for example, they talked about 68,000 people going through, 7,000-plus emergencies. If you look at the facility, built in the early 1960s, all we get any more is band-aid effect things. Maybe put a room here, a room there, for a little bit more expansion. But it is just a band-aid.

The need for true expansion and new facilities are probably on every reservation. I can't speak for them, but it is there. We know that. The numbers will show that, from opioid to marijuana to alcoholism. It is just devastating to our people.

Again, we talk about drugs. It is good to hear that there are task forces coming up. I know there are going to be some deals going

on. But again, to put it out in public, you don't want to put it out there that much. I think we are going to see some enforcement from the Federal side. Again, we appreciate that at Standing Rock.

We had to give the okay for them to come in, and we did that. So again, the numbers out there are just staggering to the point of unbelievable. I think you hear that daily. Sometimes some of our programs show a pretty picture. Yesterday, I saw that at the IHS, the area director kind of wanted to dominate the discussion, and not have our locals talk, our council talk. Started saying well, the Great Plains is, and that. So we had to cut him off and say hey, let us do the taking here. Because sometimes they unfortunately do that. They will paint a pretty picture, saying they are doing good.

But talking about the funding coming down, sometimes it gets stuck in areas like that, and it trickles down to the reservations of need. You don't really accomplish anything, because with the money that you do receive, it really doesn't do what it is supposed to, what your goals and objectives are and needs are within the boundaries of your reservation. It is just not there.

Again, the key thing about tribes and tribal members is that we are citizens of the United States. We are citizens of the States that we reside in. But we are unique by treaty. That is where the government-to-government comes in. The panelists here, what I have seen, support that wholeheartedly. It touches the heart when you go to them and they understand that, they talk about this and talk about that when you go out to D.C., or if you see them some place. Their heart is there. You can sense that.

When they bring up the fact of government-to-government consulting, that is so good to hear from these three gentlemen here. I take my hat off to them for understanding the treaty rights of the tribes.

I will say this about missing women. We have missing men also, children. I know the laws are being pushed and passed through the State and then through the Federal government. But yesterday, we got word that one of our members, her daughter was found in Michigan, gone for some time. Just found yesterday. So again, these bills and acts that are being passed are so important. We have to solve this on our reservations. My God, some of them are probably 40, 50 years old. We have somebody that got stabbed 48 times, somebody is still walking free. Missing men, it is both men and women.

So again, I am glad that it is being addressed. Public safety out there is a must. To accomplish that, though, we are going to have to work together. There are times we are going to have to put our differences aside and think for our people. When I say that, within our boundaries on the reservation, we have a mix. We have Indian and non-Indian. And a lot of these people grew up together. They are like brother and sister, they helped each other through the years come up. So drawing those lines, erasing lines of discrimination needs to be there.

Public safety, even through the infrastructure of your road right now, this time of year coming over here, I was hitting potholes. But then again, getting up to the back of the county roads out there, the bad guy doesn't know any boundaries. So when they do their dealings and stuff, they are smart. That is their money-maker.

So again, getting the law enforcement placed where they need to be in a good way and get them back in a good way is something that public safety does, working together as a team, joining forces so that we can curb those drug dealers. I hate to have the news at 5:00 o'clock come on and say, 13-year old overdosed. It is so possible, and it does happen, unfortunately, just because they tried something that they didn't know right or wrong from.

So again, the laws and the acts that are coming forward are really appreciated. The panel here, I know they are pushing that hard. They talk about it, and when you hear them talk about it, you know something is going to be done. So again, I will say before I close, I think partnerships are going to be the future for us. It has been talked about. I know they are talking about the entities of the Federal government, FBI, BIA, others that need to step up and help.

If you have a person in Bismarck, North Dakota, he is not going to be too much help if something happened immediately on the reservation. Our drug dogs, if you we get a stop and well, you have two drug dogs, but in Bismarck-Mandan, well, you are going to start messing with people's civil rights just by holding them there without cause. If you just think that you have probable cause, I guess is what it is. But it takes a while for people to get down there .

So you need that on-site assistance. And having even one dog on-site on a reservation would help us at Standing Rock. If we have to purchase one ourselves and go in some type of MOU or MOA with somebody, and use tribal funds to pay for that, I think that has to be done. We can't be depending on a Federal government for this, for that, when what we need to do is work together with whatever resources we have and try to make the best of it, combatting the drug problems. The opioids, it is just unbelievable down there. The numbers that they bring out are just what they are, they are unbelievable.

So again, panel, in closing, I want to say [phrase in Native tongue], big thanks. We appreciate your concern. I really appreciate the site hearing. It is so important that they come down. Like I said, I have been on 18 years, and I saw a couple of these. But they do make a difference. You make your people come here, your Federal agencies come here. It is what it is, the bottom line on everything is money. Federal funds, State funds, tribal funds, the problem is not going to go away out there. It is people's livelihoods and business.

So we have to join forces to fight that, combat that. Sometimes we have to look at the resources that we are asking for. They have a country to look after, too. We have ours we have to look after. Money only goes so far.

So joining forces with partnerships, with MOUs, MOAs, to me, talking to the governor, I have been up there quite often, I think that is the future for Standing Rock. We have to work together. Because we have two States, 2.3 million acres. That is a lot of area. It is a lot of isolated area, but again, that is what it is. That is Sioux County and Corson County.

So again, working with two States, multi-jurisdictions, and North Dakota seems to really work well with us. Can't say too much

about South Dakota, although, Thune, Rounds, and Johnson, I know their hearts are there. Sometimes there are little county commissioners that show where they stand at times, unfortunately.

With that, I want to say thank you, I appreciate you. [Phrase in Native tongue] until we see each other again. Thank you.

The CHAIRMAN. Thank you, Chairman.

We will turn to Chairwoman Myra Pearson.

STATEMENT OF HON. MYRA PEARSON, CHAIRWOMAN, SPIRIT LAKE NATION

Ms. PEARSON. Good afternoon, Senator Hoeven, Senator Cramer and Congressman Armstrong. It is a privilege to be here today. I look forward to giving you a few talking points from Spirit Lake. To me it is like somewhat of an historical moment, because you all show up here in North Dakota, so we don't have to travel to Washington, D.C. And you bring all the other entities here.

[Applause.]

Ms. PEARSON. So I am here this afternoon to talk a little bit about issues on Spirit Lake. I am going to give you a little information on Spirit Lake. The Spirit Lake reservation was established by treaty in 1867, and currently consists of more than 250,000 acres of land. With that, we have six police officers that cover that. I know we are unique in our ways with each reservation in size. But again, we definitely all need more police officers. I heard it discussed earlier, and I ask you, I plead with you to look into that and see that we meet that need for each of our reservations.

There are more than 7,250 enrolled members of the Spirit Lake Tribe and our reservation currently has a population of approximately 6,200 people, consisting of enrolled members, non-enrolled and non-Indian. Most of the enrolled members of Spirit Lake reside either on Spirit Lake Reservation or within the immediate region.

The tribe has been diligently working to develop and strengthen our self-governance infrastructure, community-based services and economy. Demographics and resource deficiencies have presented significant obstacles, as we work to meet short-term goals and to implement meaningful long-term plans.

The Spirit Lake Tribe has a fully functional tribal court. Law enforcement services, as well as detention services, are provided by the BIA. The Spirit Lake Tribe exercises broad jurisdiction over criminal and civil matters, and the Spirit Lake Tribe also has a victim service program funded in large part through OBW competitive grant funding.

The Spirit Lake Tribe has recently reassumed our child welfare and child protection services through 638. The Spirit Lake Tribe lacks significant and stable resources of governmental revenue to provide for the many community safety and justice system need within our community, and as such, we rely upon the Federal Government to fulfill its trust responsibility by providing assistance and developing programs to support such services.

Lack of stable and adequate funding for essential justice system services and child and family services remains our biggest challenge. The historical base funds provided have failed to account for the needs associated with higher than average rates of violent crimes, substance abuse and related offenses. Funding for first re-

sponders and justice system service personnel is consistently well below the demonstrated and most basic need, and has been for as long as such services have been provided on the Spirit Lake Reservation.

The BIA law enforcement at Spirit Lake has historically been under-funded in terms of equipment, training and staffing. The Spirit Lake Tribe has made numerous attempts to work with Federal partners to resolve these law enforcement deficiencies, and yet today, we have only approximately six full-time patrol officers working in shifts to provide law enforcement on our reservation.

These deficiencies pose a threat to the lives of the officers serving our community and to the safety of our community as a whole. These factors directly affect the safety of our members, compromise our ability to diversify our economies, and hinder our abilities to collaborate with other jurisdictional authorities, thereby jeopardizing our sovereignty.

Funding for holistic treatment-based facilities within our tribal community is also deficient. Once again, absent from services for court-involved individuals, we are left with a justice system that is ill-equipped to reduce recidivism and foster a healthier, safer community. Base funding for tribal courts through 638 is not sufficient, and outside of competitive DOJ funding opportunities, there is not a source of funds to help stabilize these systems or expand the justice system services. Absent funding to develop effective court interventions, tribal court staff, and support essential court-related costs, violent crime and drug-related offenses continue to occur at an above-average rate in our community.

Detention facilities are not readily available for juveniles or adults. With no access to nearby in-patient treatment facilities, there are significant transportation costs. There is rarely, if ever, sufficient funding to make in-patient treatment for substance abuse, mental health or co-occurring a viable option. The end result is that most offenders appearing before tribal court are sentenced to relatively short periods of detention with little to rehabilitative or preventive based services available to them.

For individuals who are not facing criminalization, but rather civil offenses, the challenges are even greater due to lack of transportation and nearby services. Services for children, the elderly and the disabled are linked to our ability to foster healthier and safer communities. But funding for such services is again, unstable and insufficient.

Historically, the Spirit Lake Tribe has struggled to provide these services due to funding shortages, which cripple our ability to hire and retain professional service providers. It comes as no surprise, given the higher than average rates of violence and substance abuse related offenses in our jurisdiction that the caseloads facing our human services are disproportionately high.

The recommendations for what I have just revisited with you here on the tribal priority programs is a group of programs within the Office of Indian Program Budget that provides funding for BIA agency operations, 638 and BIA regional office field operations, all of which are essential services for our tribes. This funding is critical to the provision of community safety-based services, judicial services, human services, transportation, economic development

and self-determination contracts. Stable funding is essential regardless of classification, as a direct service tribe or a self-governance tribe, and should be provided to a level that meets the needs of our tribal communities.

Public safety and justice, the Federal responsibility, which is affirmed by our treaties and even the earliest United States Supreme Court cases, supports the premise that Federal funding needs to be substantially increased to a baseline that supports the provision of professional law enforcement services necessary to respond to crimes within our jurisdiction. Construction and operation of post-adjudication facilities and services reliant upon other forms of Federal funding offered through DOJ is not an answer. Such funding sources, while helpful, are not stable funding sources that will support the long-term change. Establishing an on-reservation inpatient treatment facility is a top priority for Spirit Lake. Treatment and counseling services are essential to addressing the unmet needs of court-involved youth, adults and families.

Beyond incarceration, there are many programs and services that need to be implemented for court-involved individuals. While treatment-based programs are a top priority at Spirit Lake, we would also benefit greatly from basic alternatives to incarceration, such as community service programs and probation. The Spirit Lake Tribe needs base funding for such programs, which would help to hold offenders accountable while also providing valuable services to the tribe.

In the tribal courts, in light of recent Federal legislation such as the Tribal Law and Order Act and VAWA, the tribal court needs increased baseline funding to support professional judges, public defense programs, probation, and reentry services as well as administrative support.

The Spirit Lake Tribe desperately needs funding levels to increase in the area of children and family services if we are going to be able to make the systemic changes necessary to prevent further untimely deaths of our children and our elders. In the Great Plains region alone, an estimated \$1.3 million is needed to address the unmet needs through the fiscal year 2017 regional budget.

These are some of our concerns. I would really appreciate it if you can help us, or help whoever is going to take over after I leave. I am done in May, and it has been a great honor working with you three gentlemen, especially with Senator Hoeven and Senator Cramer. You are new to the table there. But it is a great honor. I would especially appreciate it very much if we can flow this thing onto the lap of the next person who is going to succeed me here. I am open to any questions I can answer for you.

Thank you for this opportunity, and thanks, everyone, for listening.

[Applause.]

The CHAIRMAN. I will say, Chairwoman, that once before you were leaving as chairwoman. We have worked together for a long time. And then you came back and you served for a long time again. So I understand you are leaving in May, but maybe you will be back again, right?

Ms. PEARSON. No.

[Laughter.]

The CHAIRMAN. We will see. That is what you said last time.

Ms. PEARSON. I left in 2011 and came back in 2014.

The CHAIRMAN. You came back and you calmed the water, calmed the spirits. Very good. Thank you.

Councilwoman Lisa Jackson.

STATEMENT OF LISA JACKSON, COUNCIL MEMBER, SISSETON WAHPETON OYATE

Ms. JACKSON. Good morning, Chairman Hoeven and members of the Committee. My name is Lisa Jackson. I am a Councilwoman for Sisseton Wahpeton Oyate. I do have a law enforcement background. I spent six and a half years as a tribal officer, and during my time there, I did establish a training program which we are currently using today.

So the issues and initiatives that we are talking about today strike an interest and passion for me. I appreciate the time you took to come.

On behalf of our Chairwoman, Ella Robertson, who was unable to be with us today for reasons beyond her control, I would like to present her written statement.

I am wearing red today to honor Savanna Greywind, missing and murdered indigenous women, and to bring to light the importance of public safety, law enforcement, and efforts to stop drug trafficking in Indian communities.

At Sisseton Wahpeton, our Tribal Police have worked with Federal, State and local law enforcement to interdict drugs. We called on Federal agencies to assist us local enforcement training, to train our tribal police to work with drug dogs and to stop drug trafficking. As a result, while the tribal police were executive a search warrant on tribal fee lands in North Dakota, our drug dogs hit on a Federal Express delivery and stopped packages filled with drugs from being sent into our tribal community for trafficking.

SWO has invested \$1 million our own funds to enhance law enforcement, drug dogs and drug interdiction efforts. Our tribal attorney is cross-designated as a Special Assistant U.S. Attorney. SWO parole and probation officers have an agreement with the State of South Dakota to handle re-entry of tribal offenders sentenced in State courts. We cooperate with Federal and State law enforcement to ensure public safety throughout the Lake Traverse Reservation, our communities, neighbors and families.

American Indians and Alaska Natives suffer violent victimization at two and a half times the rate of the national average, 124 violent crimes per 1,000 among Native people compared to 50 per 1,000 persons nationwide. More than four out of five Native women are victimized by violence in their lifetime. Fifty percent of American Indian and Alaska Native women have been sexually assaulted.

More than a third of our Native women are raped, double the incidence in the general public. For Native girls and women aged 15 to 24, homicide is the third leading cause of death. Between the ages of 25 to 34 years, homicide is the fifth leading cause of death for Native women. Native women are murdered at a rate more than ten times the national average. Thousands of indigenous women have gone missing. Violence against women and other do-

mestic violence is fueled by drug trafficking, alcohol and substance abuse. Some of our young women were sex trafficking and drug games off-reservation.

Suicide is epidemic. At two and a half times the national average suicide is the second-leading cause of death for Native youth aged 15 to 24. Suicide is the result of drug abuse and domestic violence in Native communities. This epidemic of crime, drugs, violence, and suicide impacts everyone. It impacts our children, women, men and all of our families within Indian Country. We must all work together to stop drugs, crime and violence.

The Sisseton Wahpeton supports the passage of S. 227, Savanna's Act, to address missing and murdered indigenous women. We support enactment of S. 211, the SURVIVE Act, to offer crime victim for program service and emergency shelter for native crime victims. We support the TLOA reauthorization, S. 210, and recommend establishment of a joint Interior, Justice and Indian national law enforcement commission. We support S. 290, to protect Native children and tribal police. We support S. 288, to support Native survivors of sexual assault. And we support the authorization of VAWA in 2019.

I would like to say, on behalf of my Chairwoman, on behalf of our tribe, on behalf of all the victims that have not had a voice, that do not have a voice, I want to say [phrase in Native tongue] for allowing us to be here and giving us this opportunity to provide our testimony.

Thank you.

[The prepared statement of Ms. Robertson follows:]

PREPARED STATEMENT OF HON. ELLA ROBERTSON, CHAIRWOMAN, SISSETON-WAHPETON OYATE

Good morning, Chairman Hoeven, Vice Chairman Udall, Members of the Committee, Honored Guests. My name is Ella Robertson. I serve as the Chairwoman of the Sisseton-Wahpeton Oyate ("SWO") of the Lake Traverse Indian Reservation in North and South Dakota. I am wearing red today to honor Savanna Greywind, Missing and Murdered Indigenous Women, and to bring to light the importance of public safety, law enforcement, and efforts to stop drug trafficking in our Indian communities.

With great concern for our indigenous women and all of our people, with a firm dedication to public safety and justice, I offer my testimony at this important hearing on *Joint Law Enforcement Efforts to Build Safe Tribal Communities and Stop Dangerous Drugs From Entering Indian Country*.

At Sisseton Wahpeton, our Tribal Police have worked with Federal and state law enforcement to interdict drugs. We called upon the Federal law enforcement agencies, for example, to assist us with a Mobile Enforcement Unit Team to train our tribal police to work with drug dogs and stop drug trafficking. As a result of their training to combat drug trafficking, while the tribal police were executing a search warrant on tribal fee lands in North Dakota, our drug dogs hit on a Federal Express delivery and stopped packages filled with drugs from being sent into our tribal community for trafficking. SWO has invested \$1 Million over our own funds for enhanced law enforcement, drug dogs and drug interdiction efforts.

Our Tribal Attorney is cross-designated as a Special Assistant U.S. Attorney to handle cases arising from our area of Indian country in Federal court. SWO Parole and Probation Officers have an agreement with the State of South Dakota to handle the re-entry of tribal offenders sentenced in state courts. We do everything that we can to cooperate with Federal and state law enforcement and ensure public safety throughout the Lake Traverse Reserve, our neighborhoods and communities.

Extreme Danger for Native Americans, Especially Indigenous Women

The Justice Department's Bureau of Justice Statistics reports that American Indians and Alaska Natives suffer violent victimization at two and a half times the rate

for the Nation as a whole: 124 violent crimes per 1,000 persons compared to 50 per 1,000 persons nationwide.

Among indigenous women, more than 4 out of 5 women will be victimized by violence in their lifetime. The National Institute for Justice (NIJ) reports more than 50 percent of American Indian and Alaska Native women have been sexually assaulted. More than a third of our indigenous women will be raped in their lifetime—double the incidence of rape among women in the general public. For Native girls and women aged 15 to 24, homicide is the third leading cause of death. For Native women between the ages of 25 and 34 years, homicide is the fifth leading cause of death. On some Indian reservations, Native women are murdered at a rate more than 10 times the national average. Thousands of indigenous women have gone missing.

Typically, Violence Against Women and other domestic violence are fueled by drug trafficking, alcohol and substance abuse. At the Sisseton Wahpeton Oyate, we have experienced sex trafficking, where some of our young women were “trafficked” off-reservation through methamphetamine drug trafficking and abused as part of a migrant industry.

Suicide is an epidemic at Sisseton Wahpeton and our sister tribes. At rates of 2.5x the national average, suicide has become the second-leading cause of death for Native youth aged 15–24. Suicide is often the result of drug abuse and domestic violence in Native communities. Mental health and substance abuse services are extraordinarily under-funded and thus severely limited. The lack of services and the inadequate number of culturally competent providers must be addressed.

This epidemic of crime, drugs, violence, and danger impacts everyone—children, women, men and all of our families in Indian country. We must all work together to stop the drugs, crime and violence in our communities.

The Sisseton Wahpeton Oyate: Lake Traverse Reserve

Our Tribal Headquarters is located in Agency Village, South Dakota. We have more than 14,000 tribal members in total and approximately 7,000 live on or near our Lake Traverse Reservation in North and South Dakota. SWO provides essential governmental services to our tribal members and others residing, working, visiting and traveling through the Lake Traverse Indian Reservation and its environs in northeast South Dakota and southeast North Dakota.

Minnesota, North and South Dakota are our original homeland. The Sisseton-Wahpeton Oyate is signatory to the 1851 Treaty with the Sisseton-Wahpeton Bands of Dakota Sioux (Traverse des Sioux). Our 1867 Treaty continues our “friendly relations with the Government and people of the United States,” and recognizes our right to self-government and to enact laws “for the security of life and property,” the “advancement of civilization” and “prosperity” among our Sisseton Wahpeton Dakota people. More than two decades before North and South Dakota statehood, the 1867 Lake Traverse Treaty set aside the Lake Traverse Reservation as our “permanent reservation” homeland:

Beginning at the head of Lake Travers[e], and thence along the treaty-line of the treaty of 1851 to Kampeska Lake; thence in a direct line to Reipan or the northeast point of the Coteau des Prairie[s], and thence passing north of Skunk Lake, on the most direct line to the foot of Lake Traverse, and thence along the treaty-line of 1851 to the place of beginning.

Under the Allotment Policy, significant tribal lands were sold as surplus lands against our wishes, but under the modern Indian Self-Determination Policy, Congress affirmed our efforts to recover that portion of our homeland and treats our recovered Indian trust lands as “on-reservation” acquisitions within the original boundaries of the Lake Traverse Reservation. Public Law 93–491 (1974).

The Lake Traverse Reservation is located in the Northeastern part of South Dakota and the southeastern corner of North Dakota. The Reservation boundaries extend across seven counties, two in North Dakota and five in South Dakota. The Dakota Magic Casino in Hankinson, North Dakota on our tribal reservation lands has been a major success and tourism destination for the Sisseton-Wahpeton Sioux Tribe, with over 750,000 visits per year and with some customers visiting 4 or 5 times, we estimate that more than 150,000 people visit our facility annually. We operate Dakota Winds Golf Course, a hotel, restaurant, buffet and lounge at our North Dakota Resort. We employ 425 people in Hankinson, 55 percent of our employees are tribal members and 45 percent are non-members from nearby towns. We also have two tribal housing areas near our Casino and Resort in Hankinson.

Our Dakota Sioux Casino is located just north of Watertown, South Dakota and we employ 202 people, 58 percent of our employees are tribal members (or Indians from other tribes) and 42 percent are non-members from nearby towns. We also op-

erate a convenience store and service station, buffalo herd, fuel company, extruded film factory, and we recently opened a grocery store, so we are working hard to create jobs and develop our economy.

Savanna's Act, S. 227

Savanna Greywind was kidnapped and murdered by a drug addicted non-Indian couple in Fargo, North Dakota, who killed her and took her baby from her womb. Senators Murkowski and Cortes Masto reintroduced Savanna's Act on a bi-partisan basis to honor Savanna's memory and promote public safety for indigenous women. Savanna's Act would require, among other things, annual consultations between U.S. Attorneys, Tribal Leaders and Tribal Law Enforcement on sexual violence, training and technical assistance for tribal police, and new rules for reporting and sharing crime data and responding to violent crime in and around Indian country. Savanna's Act now has 14 co-sponsors, including Senator Hoeven and Senator Cramer.

With appreciation for all of your efforts Mr. Chairman and Members of the Committee, the Sisseton Wahpeton Oyate calls upon Congress to immediately enact Savanna's Act.

The SURVIVE Act, S. 211

I also want to thank you, Mr. Chairman, and the Members of the Committee for re-introducing the S. 211, the SURVIVE Act with its positive purposes to provide resources for Indian Crime Victims, including resources to:

- i) Respond to the emotional, psychological, or physical needs of a victim of crime;
- ii) Assist a victim of crime in stabilizing his or her life after victimization;
- iii) Assist a victim of crime in understanding and participating in the criminal justice system; and
- iv) Restore a measure of security and safety for victims of crime.

The bill would provide continuing funding for domestic violence shelters, rape crisis centers, child abuse programs, child advocacy centers and programs to prevent and address elder abuse, transitional housing, medical equipment, treatment and related services, including emergency medical care for crime victims, alcohol and substance abuse therapy, and mental and behavioral health counselling.

For several years, the President's Budget has recommended a 5 percent Set-Aside for Indian Tribes from the Crime Victims Fund due to the high level of violent crime victimization among American Indians and Alaska Natives and the unique Federal law enforcement authority for areas, including North and South Dakota, Montana, New Mexico and Arizona, which are under the Indian Major Crimes Act, 18 USC sec. 1152, and the Indian Country Crimes Act, 18 USC sec. 1153.

The SURVIVE Act would provide a continuing authorization for the 5 percent Set-Aside of resources from the Crime Victims Fund for American Indian and Alaska Native victims of crime programs. Our Sisseton-Wahpeton people, who are victimized by violent crime, suffer post-traumatic stress akin to what some military veterans have suffered. We suffer high rates of suicide as a result, and Crime Victim Funding for counseling and support services is essential to address Indian crime victimization issues, including Human Trafficking.

Again, with appreciation to the Chairman and the Committee, the Sisseton Wahpeton Oyate calls upon Congress to immediately enact the SURVIVE Act.

Tribal Law and Order Act Reauthorization, S. 210

The Tribal Law and Order Act authorized the Justice Department's Tribal Law Enforcement Programs for five years, and the authorizations expired in 2015. S. 210, introduced by Senator Hoeven and reported on favorably by the Committee, would re-authorize the Tribal Law and Order Act. Reauthorization of this Act is critically important to law enforcement, and requires coordination of detention, and other law enforcement activities and funding programs.

The Tribal Law and Order Act enhanced tribal sentencing authority to deal with the most serious offenders and we need detention cells to do so:

The Tribal Law and Order Act of 2010 (TLOA) was signed into law on July 29, 2010. (Pub. L. No. 111-211, 124 Stat. 2258). TLOA was enacted in an effort to clarify governmental responsibilities regarding crimes in Indian Country; increase and improve collaboration among jurisdictions; support tribal self-governance and jurisdiction; reduce the prevalence of violent crime in Indian Country; combat crimes such as domestic violence, sexual assault, and drug trafficking;

reduce the rates of substance abuse in Indian Country; and support the collection and sharing of crime data among jurisdictions. . .

[W]ith the amendments to ICRA made by TLOA, tribes now have an option to enhance sentences in criminal cases by imposing sentences not to exceed 3 years imprisonment, fines of up to \$15,000 or both for qualifying crimes so long as the tribe has met the specific requirements set forth in TLOA. Sentences may include a combination of incarceration and community corrections such as probation and halfway houses. Under no circumstance can the term of the sentence exceed 9 years. Tribes are not required to implement enhanced sentencing authority but rather can choose whether it is necessary for their community.

The requirements that must be satisfied by tribes opting to impose enhanced sentences are set forth in Section 234 (a) (b) & (c) of TLOA. Tribes can impose higher sentences if:

- The defendant is provided effective assistance of counsel at least equal to that under the United States Constitution, and at the expense of the tribes for indigent defendants;
- The defense counsel must be licensed by any jurisdiction that applied appropriate licensing standards, ensure competency, and has rules of professional responsibility;
- The defendant is not subject to excessive bail, excessive fines or cruel and unusual punishment;
- The presiding judge has sufficient legal training for a criminal proceeding and licensed to practice law in any jurisdiction in the United States;
- All criminal laws, rules of evidence, and rules of procedure etc. are publicly available; and
- The tribe shall maintain a record of criminal proceedings.

See TLOA Pub. L. No. 11–211, Sec. 234 (a)(1)(2); 234 (c); see also 25 U.S.C. § 1302 (c); as explained by the Bureau of Justice Assistance, U.S. Department of Justice, Tribal Law and Order Act: Enhanced Sentencing Authority (2015).

At great expense and effort, the Sisseton Wahpeton Oyate is compliant with the enhanced sentencing requirements of TLOA.

To enhance TLOA, Congress should establish an Indian Law Enforcement Improvement Commission to be composed of the Justice Department, Interior and Indian tribes to enhance the effectiveness and coordination of Indian law enforcement, as follows:

- The Department of Justice shall cooperate with the Department of the Interior in providing comprehensive law enforcement services to assist Indian tribes to ensure public safety, maintain law and order, and administer justice in Indian country, including detention facilities; and
- The Secretary of the Interior and the Attorney General shall establish a Joint Indian Country-Indian Nations Justice Commission composed of Indian Country Public Safety, Law Enforcement, Justice and Budgetary Components to address the needs of Joint Federal-Tribal Law Enforcement, Plan with, Strategize, and Coordinate with Tribal Leaders and Tribal Law Enforcement on a Government-to-Government Basis;

The TLOA Reauthorization should also include a demonstration project modeled upon Public Law 102–477 for Great Plains Indian tribes under Federal and Tribal Law Enforcement Jurisdiction:

- Indian tribes under Federal and Tribal Law Enforcement Jurisdiction with 2,000 tribal members or more (and intertribal consortia serving 2,000 Indians or more) may submit comprehensive plans for public safety, law enforcement and the administration of justice and such comprehensive law enforcement plans shall be jointly funded by Interior and Justice, with unified reporting to both agencies and a unified program audit, and shall be administered by Interior under Public Law 93–638;
- After consultation with the Secretary of the Interior and the Indian Country Law Enforcement Improvement Commission, the Attorney General may waive administrative, statutory and regulatory provisions when such waivers are deemed necessary to promote Indian Self-Determination and public safety, effective Indian country law enforcement, and efficient administration of justice in Indian country, provided that overall public safety, law enforcement and criminal justice program goals shall be maintained and a report shall be provided annually to Congress concerning waivers.

Such a pilot project has been shown to be practical and effective under Public Law 102-477 (Labor—Interior Employment Training Programs), and Indian tribes under Federal and tribal law enforcement jurisdiction need more basic assistance for law enforcement than is currently provided by grants.

Again, we appreciate the Chairman's and the Committee's efforts in the important area of public safety, law enforcement and justice and the Sisseton Wahpeton Oyate calls for Congress to swiftly enact S. 210 into law.

S. 290, To Protect Native Children and Promote Public Safety

S. 290 finds that: "Childhood exposure to violence has immediate and long term effects, including increased rates of altered neurological development, poor physical and mental health, poor school performance, substance abuse, and overrepresentation in the juvenile justice system." Violence against children, dating violence, and domestic violence reduce health outcomes, reduce educational attainment, hinder economic development, and undermine public safety. The U.S. Attorneys decline 52 percent of cases from Indian country, so this bill is critically important to stem the rising tide of violence.

Vice Chairman Udall's Bill would restore tribal prosecutorial jurisdiction over non-Indians who commit crimes against Native Children and/or crimes against Tribal Public Safety Officers in Indian country. Again, the Sisseton Wahpeton Sioux Tribe supports swift passage of S. 290 to safeguard our children and restore tribal jurisdiction, promote public safety and law enforcement.

S. 288, Justice for Native Survivors of Sexual Violence Act

Senator Tina Smith together with Senators Murkowski and Udall has introduced S. 288, the Justice for Native Survivors of Sexual Violence Act. This Act restores the original jurisdiction of Indian tribes to try and punish sexual violence against Native women when committed by non-Indians. It expands the scope of tribal jurisdiction restored in 2013 by the Violence Against Women Reauthorization Act (VAWA). According to GAO's report, the U.S. Attorneys declined 67 percent of sexual assault and abuse cases arising in Indian country, so it is critically important that tribal justice systems be empowered to handle these cases. The legislation is supported by the National Congress of American Indians, STOP Violence Against Women organizations, and regional Indian organizations. The Sisseton Wahpeton Oyate urges Congress to enact S. 288 to fight the rising tide of violence against our indigenous women.

VAWA Reauthorization Act of 2019

The Sisseton Wahpeton Oyate supports the 2019 VAWA Reauthorization. VAWA is critically important to STOP Violence Against Women. Indian nations and tribes receive important grant funding under the Act, and we must continue to make progress under VAWA. NCAI adopted resolution ECWS-19-005, which sets forth five priorities for reauthorization of the Violence Against Women Act in 2019:

- 1) include provisions, like those included in the bipartisan Native Youth and Tribal Officer Protection Act and Justice for Native Survivors of Sexual Violence Act, that amend 25 U.S.C. 1304 to address jurisdictional gaps including: child abuse and endangerment; assaults against law enforcement officers; sexual violence; stalking; trafficking; and the exclusion of certain tribes from the law;
- 2) create a permanent authorization for DOJ's Tribal Access to National Crime Information Program and ensure that TAP is available to all tribes;
- 3) improve the response to cases of missing and murdered women in tribal communities;
- 4) identify and address the unique barriers to safety for Alaska Native women and provide access to all programs; and
- 5) reauthorize VAWA's tribal grant programs and ensure that funding is available to cover costs incurred by tribes who are exercising jurisdiction pursuant to 25 U.S.C. 1304.

The Sisseton Wahpeton Oyate supports NCAI's principles.

H.R. 1585, the House VAWA Reauthorization Act of 2019 reinforces current law and makes critical improvements to address dating violence, stalking and related concerns, increases protections for Native American women and also addresses violence against Native men and children. On March 13, 2019, the House Judiciary Committee favorably voted H.R. 1585.

The Sisseton Wahpeton Oyate urges Congress to enact an enhanced VAWA Reauthorization Act of 2019.

Rising Crime Statistics Nationwide and in North and South Dakota

The FBI UCR Crime Report finds a 6.8 percent nationwide increase in crime over 2013. Aggravated assaults are 65.0 percent of violent crimes reported to law enforcement in 2017. Robbery offenses are 25.6 percent of violent crime offenses; rape (legacy definition) accounts for 8.0 percent of violent crime; and murder accounts for 1.4 percent of violent crime.

In North and South Dakota crime rates are increasing: The South Dakota Crime Rate was up 2.7 percent per 100,000 in 2017 compared to 2016: South Dakota 433.6 per 100,000. In North Dakota Crime Rate per 100,000 increased by 11.6 percent to 281.3 per 100,000.

South Dakota State 2017 Crime Reports include a 13.1 percent increase in rape crimes, although murder was down. Past South Dakota AG Marty Jackley said, “[T]here’s a meth epidemic across the Nation.. It affects the Reservations as well as the State when the methamphetamine come into the State from across the Southern borders. . . . We need to. . . spread the message to the youth and do everything we can for prevention and treatment.” KSFY TV, *Reservation Crime Would Nearly Double SD Crime Stats* (March 20, 2017).

The FBI, U.S. Attorneys and tribal law enforcement have jurisdiction over Indian reservation crime. “The number of cases and number of users of methamphetamines has been rising on Indian reservations across the state. The increase in drug activity is correlating to an increase in the violent crime. Specifically, we’ve seen an increase in violent crime incidents in all of the Indian reservations throughout the state,” said Matt Moore, FBI Supervisory Senior Resident Agent for Sioux Falls.

In the Governor’s race last year, the question arose “Just how safe is South Dakota.” Governor Noem says, “South Dakota has grown increasingly unsafe,” as the growth of violent crime has outstripped the growth of the population. “Violent Crime Outpaces Population Growth,” *Sioux Falls Argus Leader*, May 14, 2018. That was especially true in rural areas. Drug crime offenses in South Dakota grew 222 percent over the last 10 years. The Governor pledged to fight drug crime, and at Sisseton Wahpeton, our Tribe is committed to fighting drug crime as well.

Sisseton-Wahpeton Sioux Crime Statistics. At Sisseton-Wahpeton, we have seen continuing serious increase in drug related crime and violence consistent with, and more severe, than the overall pattern of North and South Dakota.

Due to the drug and alcohol abuse problems affecting our Reservation, our tribal police made about 1400 arrests last year on the Lake Traverse Reservation in North and South Dakota. In recent years, SWO youth and adults on our Reservation have been suffering with chemical dependency, drug and alcohol abuse, and violent crime resulting in the key incarceration figures:

- Substance abuse offenses & criminal offenses account for approx. 75 percent of all adult arrests, of which 15 percent exhibit highly repetitive substance abuse and criminal behavior. This group uses a disproportionate amount of justice (and potentially other) system resources.
- About 80 percent of all juveniles charged have a substance abuse offense, often accompanied by a curfew violation. This pattern shows a lack of parental supervision and clearly underscores a need to address these offenses in the context of families and family networks.

Adult Detention Center

The Sisseton Wahpeton Oyate identified our Justice Center as our top congressional funding priority. Concerning public safety, community health and wellness, we have focused on Behavioral Health, including addressing chemical dependency, mental health, adolescent treatment, detox, transitional care, inpatient/outpatient services for adult and youth, as our community health and wellness action area. We currently lack sufficient facilities and services to adequately address these health care needs. Our 1974 building for law enforcement services, which the BIA closed and decommissioned in December 2016 due to operational and other deficiencies.

The BIA’s closure of our jail has left us with little recourse against drunk driving, drug crimes and domestic abuse. In 2017, when former Governor Daugaard came to visit Sisseton Wahpeton, my assistant Scott German observed two drunk drivers travelling our roads together which required immediate police response, so our Chief of Police was not able to attend our law enforcement meeting with the Governor.

Our tribal police have had to send home domestic violence abusers and recently, we had a 7 year-old bring a syringe to school, which his mother used for meth. We had to let the mother back on the streets until her trial because we have no place to detain her. Our incidents of drug related crime problems are serious. The BIA suggested contracting with nearby county detention facilities, but the counties are overwhelmed and have no room for our offenders.

Priorities for Safe, Healthy Sustainable Tribal Communities. SWO has identified our Justice Center as our highest priority.

Among health care, the Oyate identified Behavioral Health, including addressing chemical dependency, mental health, adolescent treatment, detox, transitional care, inpatient/outpatient services for adult and youth, as our top community health and wellness priority. We currently lack sufficient facilities and services to adequately address these health care needs. We had a 1974 jail, which the BIA closed in December 2016.

Initial Funding for Adult Detention Center

SWO has identified our Comprehensive Justice Center-which includes Adult and Juvenile Detention, Detoxification, and Drug and Alcohol Rehabilitation-as our highest priority.

At the end of FY 2018, the BIA Facilities Division awarded SWO \$4.875 to plan and construct a 25 medium security bed Adult Detention Facility. That is the first component of our Sisseton Wahpeton Justice Center, and we appreciate your help with funding this important first step of our Justice Center.

FY 2020 Request:

At the Sisseton Wahpeton Oyate, we need more congressional help to build our comprehensive Justice Center. Congressional request for FY 2020:

- \$4 Million for High Security Detention Cells;
- \$2 Million for BIA Detention Staffing; and
- \$4.84 Million for Drug and Alcohol Rehabilitation Center.

For FY 2020, the Sisseton Wahpeton Oyate urgently needs \$4 Million in additional funding for: (a) high security cells for the most serious offenders incarcerated under Tribal Law and Order Act (TLOA) enhanced tribal sentencing authority; (b) \$2 Million for BIA Detention Staff; and (c) \$4.84 Million for our Alcohol and Drug Rehabilitation Center.

a) High Security Adult Detention Cells: \$4 Million

At the outset of FY 2019, the North and South Dakota congressional delegations supported our request for additional funds for high security cells in our Adult Detention Center. We need those funds for 12 beds for more serious adult offenders, such as rapists, other violent recidivists, and drug dealers.

We are ready to sentence serious tribal offenders that the U.S. Attorney and the FBI have not dealt with, including drug dealers, rapists, other serious violent crime recidivists, and drug addicts. At SWO, we need \$4 Million in funding for an additional 20 high security cells for these offenders.

b) Detention Staffing: \$2 Million to Pay for Necessary Detention Officers

The BIA knows that we need an increase in funding for Detention Staff for our Adult Detention Center. Last year, the Sisseton Wahpeton Oyate requested an increase of \$2 Million in BIA Detention Staffing, and the Senate adopted the request to increase BIA Detention Staffing. Now, the BIA tells us that we cannot count on the increase without a clear statement from Congress directing the funding towards newly constructed facilities. So, we are requesting that Congress increase BIA Detention Staffing by \$2 Million to provide Detention Officers for New Constructed Tribal Detention Facilities. We also need to know that if we fund our Juvenile Detention Facility, Congress will direct the BIA to include that Component of our Justice Center on the BIA Facilities List.

c) Rehabilitation Center: \$4.84 Million

Priorities for Safe, Healthy Sustainable Tribal Communities. SWO has identified Behavioral Health, including addressing chemical dependency, mental health, adolescent treatment, detox, transitional care, inpatient/outpatient services for adult and youth, as our top community health and wellness priority. We need sufficient facilities and services to adequately address these health care needs.

The Tribal Council adopted a Tribal Action Plan (TAP) in July 2016 which identifies addictions as a health status priority. Development of a new treatment and recovery support center to expand and enhance our capacity. Co-occurring substance use disorders, behavioral and criminal justice issues are rooted in inter-generational trauma. There is critical need to break the cycle through intervention and healing. The proposed new Community Justice including Rehabilitation Center concept focusses on a restoration to community wellness and re-entry by offenders into healthy and productive family and community life.

The Sisseton Wahpeton Oyate requests that funding to construct and staff the addiction treatment component of the Community Justice and Rehabilitation Center

be provided to the Tribe consistent with the Indian Health Care Improvement Act and the TAP provisions of the Tribal Law and Order Act. The component square footage from the concept design work we completed in January 2017 is 15,873 square feet. The construction cost is \$4,840,000. Inpatient capacity would be 24 and the increase in our concurrent outpatient treatment and prevention services will be substantial.

Conclusion:

At Sisseton Wahpeton, we strongly believe that Public Safety, Law Enforcement, the Administration of Justice, Rehabilitation and Re-Entry for drug and alcohol offenders and other offenders are essential to health community life and healthy Indian nations. We stand ready to work cooperatively with Federal, state and local law enforcement agencies, as we have demonstrated through cooperation by our tribal law enforcement, officers and attorneys to interdict drugs, fight human trafficking, promote law enforcement, and assist with prosecutions, probation and parole and re-entry of rehabilitated offenders into the community.

Please help us with the necessary appropriations to fully build out our Tribal Justice Center. It is essential to our efforts to fight drug trafficking, crime, and violence. Thank you for the opportunity to testify before the community.

The CHAIRMAN. That is powerful testimony that I hope will help you pass these bills. Thank you. I appreciate that.

Councilwoman Judy Brugh.

STATEMENT OF JUDY BRUGH, COUNCIL MEMBER, MANDAN, HIDATSA AND ARIKARA NATION TRIBAL COUNCIL

Ms. BRUGH. Thank you. Thank you, Senators, thank you, Congressman, and thank you all who hung in there with us this afternoon. I will try to make this short and sweet.

But I remember, Senators, years ago when I came to you, you were the Governor and you also were in office. We came to you and asked you for passage of a tax bill and you supported us. I really appreciate that. And I appreciate our Governor today for also his support. I never got to thank him personally, but thank you, Governor. For those of you who work for him, let him know that we appreciate him, from MHA Nation.

The CHAIRMAN. It is amazing what you have done. It is amazing what you have done.

Ms. BRUGH. Exactly. I was going to say. There was a person in the House when we had to provide testimony that said, whatever you guys going to do with all that money? So I told them.

[Laughter.]

The CHAIRMAN. If you were a State, you would be like the eighth or ninth largest energy-producing State in the Country. You are a testament to your people.

Ms. BRUGH. Yes. So I told them, I said, you know what? Come back to me in a few years and I will teach you on my personal turf. But I haven't seen them around my personal turf.

[Laughter.]

Ms. BRUGH. But we are here because we are all happy that the oil boom hit North Dakota. But with the influx of oil comes money. And where there is money there comes drug and drug dealers and our reservation has been hit so hard, our lives have turned upside down. I used to leave my house open, my doors open. Today, I have to lock my door. We used to have a dog that would protect us, but my poor little dog passed away, so I haven't found one lately. But he would alert us if anyone came through and we felt we were protected.

Last night, I received a phone call that somebody was at my house and was arrested. They must have known I was out of town. So of course, they were going to come up there and see what they could find. Those are the kinds of things that we never had to deal with before. Now we are dealing with it on a daily basis.

The drugs have hit our reservation so hard, Senators and Congressman. And they are mostly coming in from Minneapolis into our reservation and they have impacted our other neighboring reservations, too. Our MHA Nation was forced to pick up the slack for underfunded and unprepared BIA and Federal law enforcement. A lot of our funding that we have been fortunate enough to receive from the oil has gone into prevention and also incarceration. We have had to build multi-million dollar facilities to house our juveniles, our adults. We have built a treatment center here in Bismarck that is going to provide a lot of job opportunities for the people. And we have more people there than the Bismarck treatment center has. That shows you exactly how much it has impacted our reservation.

You can go out, probably, and buy a \$20 pill on the street. But when you come to Fort Berthold, they are selling them for \$60 to \$100 a pill, because they know where the money is. And these pills are dangerous. Because they are laced with fentanyl. Everybody knows what happens when you get pills that are [indiscernible] and they are brought in with fentanyl in them, and they are coming from south of the border, the majority of them.

I work on judicial, and I am the chair of the judicial committee. A lot of our statistics are provided by Chip White. We are so fortunate to have him in our drug task enforcement. They have done a tremendous job working with the Federal agencies. As we pointed out, the only one that is really lacking is the BIA. I hate to say that, Mr. Addington, but you guys better step it up. You took our person away from Fort Berthold, and we don't even have anyone down there any more, and you sent them somewhere else. We used to have two, Senator, that worked with us. Now we don't have anyone. So we have to go to Minot, or we have to find somebody in Bismarck or something.

We have so many Federal cases now pending, because of these drugs. We have seen our children impacted by it. We have seen violent crimes that have been committed by little children all the way up to our adults. There has been prostitution, there has been sex committed on children. There has been women that have been beaten and raped. And we had a woman who we never found for a few months, and she was under the water. And that case is unsolved.

And we are dealing with that. So the majority of our funds, Senators, are going into this type of prevention. Our tribe isn't becoming any more rich than we were before, if you know what I mean. Because we have to put our funding into these types of resources. So we need some more help on all our reservations. We are not the only one impacted by it. It is spreading throughout the whole State of North Dakota. All of us, we are all suffering.

The new judicial center cost \$17 million. Our tribe had to pay for it. We never received one Federal dollar. And that is a shame. We have had to build new schools because the BIA never helped out.

I have a BIA road in my community that is so ripped up by oil traffic that all the people that live along Route 2, it is like traveling like that down the road over the bumps and everything else. Now, this year, I had to ask my fellow council members for monies to get that road repaired for the safety of our people.

We have had, Senators, people bring over 2,000 pills in a week. So you see the amount of drugs that is coming into our reservations. And it is not just pills, it is heroin, too. I didn't hear anybody speaking about that today, but we are seeing a rise of heroin in our reservation.

We are fortunate enough that we have a diver, a bomb dog and a drug dog that was purchased by our tribe. I personally as a council representative have funded our law enforcement officers with two more drug dogs and two vehicles that are equipped to carry drug dogs. That came out of my budget for my community, just to help them out.

We need more money. Our vehicles are being run to the ground, because we have over those million acres to take care of. If there is somebody being beaten in one of our communities in Twin Buttes and we don't have enough law enforcement officers to cover it, it takes two hours to get there. By then, there could be a disaster.

So, Senators, and Congressman, we are asking for your help. We are just asking if we can get more funding to help our law enforcement. We have done all we can do on our reservation to help out.

Thank you.

The CHAIRMAN. Thank you, Councilwoman. I thank you all. You have given very strong testimony that goes exactly to what we are trying to do with these bills. So I appreciate it, and it is very helpful.

I would just like to ask a follow-up to Councilwoman Jackson, and also Chairwoman Myra Pearson. Councilwoman Jackson you were a law enforcement officer for six years. And also Chairman Pearson, because you do have some experience over a longer period of time looking at these issues. So you both have done a very good job of helping build the kinds of records that we need to get the help and support we need to pass the bills.

Councilwoman, as a former law enforcement officer, what can we do to get more, particularly BIA, more law enforcement officers? We've talked about a number of things, but you have served in that capacity. How do we get more people into that role? What do you think would be useful?

Ms. JACKSON. Into the role of law enforcement?

The CHAIRMAN. Recruit them and get them trained as BIA law enforcement officers and get them out there and deploy them.

Ms. JACKSON. That is an excellent question. I think it kind of got touched on briefly earlier. It is the training and the location of the training facility. I am a graduate of FLETC, out of Artesia, New Mexico. I'm Class IPA 71, graduated at 95. I was a single parent, pursuing my law enforcement career. And I had to travel that length of distance for four and a half months away from my family.

So that was a struggle for me. Fortunately, I did have good training sergeants that helped me through that. But a lot of my fellow cadets did drop out because of the location and the distance, where the training facility was located. So I do believe if we can move,

I hear talk about this facility closer. That is going to be a huge impact on getting officers to be able to make it through that training.

The CHAIRMAN. That makes sense to me. I think it helps you all recruit them, I think it helps get them through the training, in that as one of our law enforcement officials said, they will stay. So I think that is right on.

Ms. JACKSON. That was my experience.

The CHAIRMAN. So we need to figure out how to do that.

And then, Chairwoman Pearson, again, this is just based on your perspective, I think you touched on this and pretty well covered it, but in your opinion, what is maybe the number one thing that BIA can do to improve their consultation and how they work with you and the tribal council on the reservation? What would come at the top of your mind of how they can do a better job? A better job consulting, a better job working on these issues?

Ms. PEARSON. In consulting with the tribes, I believe that they should be more open. I am going to go back in the history of my career here, but we used to have a superintendent that worked with our office. He even opened the garage doors to let us use the snow blades and stuff to clear the snow. He believed in everybody working together.

He told me at that time, don't ever be afraid to come to my office, because I work for you. And if there is anything I can do, I am going to do it, because I work for you. I am BIA and we are here to help the tribes.

So I believe that in working together, we shouldn't separate ourselves because I get my paycheck from this guy and you get yours over there. So work together, that is all it is.

And even dealing with this drug problem we have today, if we all want it, we have to work in unison to achieve that. Everybody has to want it, we can't just do it because, I am doing it because I have a drug-free family. That is not the case in Indian Country. I have people that are involved in drugs in my family. And I want them all to be healthy someday.

So at that point, I am willing to sacrifice that and get help there, if I have to use them. But we all need to work together and it is not just my problem or your problem. It is everyone's problem. We need to look forward to our children and their futures. I hear that a lot, but let's do something to make sure they have a safe future.

The CHAIRMAN. I see that Chairman Azure has arrived. We want to make sure we give you an opportunity to speak. Thank you for being here.

Senator CRAMER. The keynote address.

[Laughter.]

STATEMENT OF HON. JAMIE AZURE, CHAIRMAN, TURTLE MOUNTAIN BAND OF CHIPPEWA INDIANS

Mr. AZURE. First of all, I would like to apologize for being late. Murphy's law kind of ran its course with me this morning, and I literally 15 minutes away was changing my tire on the side of the road. I may look a little bit different here, too. After the polar plunge last week at MHA I was approached by the American Indian Cancer Foundation and I let them know that if they raised \$5,000 on behalf of some of our counterparts in the Federal Govern-

ment and State government that I would either shave my head or shave my beard. And they chose my head this morning.

The CHAIRMAN. You made the right choice, that is a great look. [Applause.]

Mr. AZURE. And I also nominated all of the Senators to also shave their heads.

[Laughter.]

Mr. AZURE. I do want to apologize to my counterparts. Usually when I give testimony I will cut out something that has already been covered. I am sure that all of the testimony given today covers all of our tribes. We all have similar issues.

Same as with the counties, same as with the States. And Chairwoman Pearson just commented on that, I would say, it is an evolving issue with law enforcement. But it is not only the tribes that are dealing with a lot of these issues, it is partnerships moving forward with the Federal Government and State governments, counties, every faction of law enforcement.

I am going to do something a little bit different here today. I usually don't read off of a prepared statement. But this is a very important meeting here today and I want to get our facts across, and I want to get everything right. So if you will bear with me, I am not used to reading off pieces of paper, even though I have practiced all night here, or last night. So let me get to it, and again I apologize as far as some of this has been covered.

First of all, I want to thank you all for your time. I know your time is important. I know for our tribal leaders, time is all-important. So [greeting in Native tongue], thank you, Senators, for coming to North Dakota for this field hearing. I am Jamie Azure, the Chairman of the Turtle Mountain Band of Chippewa Indians. As you all are aware, the Turtle Mountain Band of Chippewa Indians resides in north central North Dakota on a six mile by twelve mile reservation. It is a good day, because we as a tribe are happy to report some of the great strides our nation [indiscernible] our law enforcement agencies. We will also touch on some needs on law enforcement coverage and emergency services.

First, as it pertains to relationship building. We at Turtle Mountain Band of Chippewa have a unique, hybrid police force. Specifically, the Bureau of Indian Affairs Justice Services has the primary law enforcement responsibility for our territory. But the tribe also, this is where I get thrown out all the time [indiscernible], police with a number of officers. We have accomplished this with a number of inter-government agreements with the United States, COPS grants, tribal government funds and perseverance. The Indian Country Law Enforcement Reform Act, P.L. 111-211, permits tribe and BIA OJS to execute memorandums of understanding, MOUs, so that tribal law enforcement can be supervised by BIA OJS and utilize both equipment and law enforcement centers in order for this to occur. Tribal law enforcement must meet the same background check and training standards as BIA's law enforcement officers. ?????

I have attached with my testimony that will provide [indiscernible] a copy of our MOUs to my testimony. We passed the MOUs in October of 2017. We are still waiting for BIA's execution or adop-

tion of these agreements. We are not sure what is taking so long, as we used the BIA OJS template for the agreements.

In addition to this, we have two EL 638 criminal investigator positions. These 638 positions allow the tribe to maintain some of our more seasoned officers past the Federal law enforcement official retirement age of 57 years old. Second, some additional [indiscernible] from the Turtle Mountain is too full. A lot of Federal law enforcement agencies, State BCI and county agencies, the tribe permits the process for coordinating a drug task force. The tribe initiated the process and hosted discussions. The Rolette and Pierce County sheriff's offices hosted as well.

We expect to continue meeting, and will be meeting in Bottineau County in April. We hope to have an agreement in place by the end of summer.

In the course of the task force discussions, we have found a number of legislative voids that somewhat hinder the tribe and BIA OJS in coordinating with State and county entities, specifically the State of North Dakota law fails to include BIA OJS as Federal law enforcement in NDCC statute section 299-06-05.2, which is odd, because BIA law enforcement attends the same law enforcement training facilities as other Federal law enforcement officers.

So with the coordination of the North Dakota Indian Affairs office, the State Highway Patrol and the tribes, legislation tends to amend the code section to grant BIA the same authority off-reservation as needed, as every other Federal agent. We hope for successful passage before the close of the North Dakota legislative in 2019. A third of the tribe, Rolette County, the cities of Rolla and Rolette, negotiated a mutual aid agreement. We designed the mutual aid agreement to get the closest officer to call as soon as possible. The officer, regardless of department, will assist at that call until an officer with jurisdiction can arrive.

While other law enforcement essentially functions the same way, the mutual aid agreement clarifies liability and protocol. So each agency may comfortably act without fear of personal liability. It takes about 15 to 20 minutes to reach some of the calls on our reservation from the appropriate monitoring center. These delayed response times result in negative impacts on the [indiscernible] aid. While we do not have the spans of land that Standing Rock has, we have significantly higher volume of police calls for serious crimes.

Fourth, a group of community members over the course of three years revised our criminal code to provide more offenses, protection of law enforcement, protection of children, protection of the community as a whole. Cynthia Peach primarily pushed for these assignments, and now she works for United Tribes. We miss her in the [indiscernible] office.

Next, I will address some of our needs. First, we have a shortage of officers, both tribal and BIA. It seems we cannot find enough people to fill the positions. This is further exacerbated by the length of time BIA takes to hire an officer. We have not had a BIA division of drug enforcement special agent since August of 2017. In December, we directly acquired with OJS direct [indiscernible] as to this position being filled, indicated that it was forthcoming. And here we are in April with a position that has not been filled. It

seems to take more than a year to fill out our local BIA law enforcement positions.

While we clearly understand the need for appropriate vetting and background checking, background checks and adjudications of officers takes three to four months. Are there regulatory methods that we can discuss to shorten this time?

Furthermore, when we hire a tribal officer, we often lose them because we cannot pay them what the BIA, the county or what the cities can pay them. We seek some pay equity in our COPS grants regulations associated with law enforcement. We recently lost an officer to the city of Barnes. These men and women put their lives on the line for us daily. The least we can do is compensate them appropriately.

Second, our law enforcement center and jail center are the same age as one of our [indiscernible], 66 years old. Today the center is closed because of electrical problems and fire suppression systems. At least 60 inmates are being housed around the area in county jails and away in other BIA facilities as far as Oklahoma. The jail is designed to hold 30, and it holds up to 60 regularly.

Unfortunately, the facility does not have space for treatment, education or even exercise. The regulations associated with jails and prisons are stringent, and ours no longer meets those regulations. We look for either a new Federal facility or assistance finding financing for construction of our new one. We likely need some technical assistance in evaluating the feasibility of the long-term costs associated with that venture.

Third, we would like to commence the Tribal Law and Order Act, TLOA, prosecution and defense. However, we do not have sufficient numbers of law [indiscernible] keep in compliance. Our community is preyed upon by outsiders who are embedded to abuse our women. A TLOA court-encouraging opportunity will greatly reduce those events in creating consequences for offenders. Ironically, while most people find [indiscernible] lawyers frightening, we seem to be in an attorney desert. We have at least 65 tribal members who have gone to law school, but only three licensed attorneys live in Belcourt, and four are retired. We have sent many numbers to law school at UMD, but they are not barred.

A few non-Indian attorneys are in the area. I believe only two are in the city of Rolla, States Attorney Ryan Thompson and [indiscernible], who is also winding their practice, as they are ready to retire. If there is any assistance or incentives that we can work together to find a solution to this problem, we are more than open.

Fourth, we have heard rumors that the State of North Dakota intends on creating regional 9-1-1 centers. This frightens our tribe. We are frightened because 9-1-1 centers' efficiency is dependent on the ability of the call center to get emergency services to the appropriate locations. A Devils Lake 9-1-1 center will not serve [indiscernible]. While our roads have been numbered and indeed, many of our houses are numbered, emergency services cannot find our residences.

Yesterday, one of our staff relayed a story of when he had a heart attack, his son had to run to the road to wave down the ambulance, because it was driving back and forth in front of their house. My staff member did and was resuscitated by defibrillator.

This was only two years ago. Luckily, he survived. The community is concerned with the proposed regional Devils Lake 9-1-1 center's lack of contact with the area and unfamiliarity with the people that may result in many more negative outcomes.

We would like the opportunity to operate a 9-1-1 call center from the reservation to better serve our people and surrounding areas. We hope that this would be funded the same way that areas are served through the Federal Communications Communication surcharge on telecommunications services.

So that is all the legal, what they wanted me to say on the input, then. I think as our other chairmen put it best, I like to go off on this written statement and talk about what our people really feel. And it goes back to, as was mentioned when I walked up the steps here, this isn't just a tribal situation, this isn't just Turtle Mountain, this isn't just Standing Rock, this isn't just Spirit Lake. This has to be a community effort in the community, the State, every entity needs to come together.

The sad facts are that the bad people know the loopholes better than the good people. We see it every day in a lot of our casinos, and a lot of our housing facilities. We have criminals that know that there is a \$50,000 limit to where they are going to be prosecuted on drug charges. So they are at \$49,999.99, because they know they are going to get a slap on the wrist then it is going to get pushed back and somebody else will take the fall. These are non-members coming onto our reservation.

So we are basically handcuffed. We can't prosecute in our tribal courts. Our law enforcement is stressed to the limit. We do not have enough law enforcement people with badges. That is where these MOUs come into play. We are all sovereign nations. One of our greatest assets as a sovereign nation is the strength of the MOU. The MOUs between our tribes, they work with the State, they work with the Federal Government. All we are asking is that we all come together and take down some of these barriers. Because it seems like all the holdups that have happened in the past. We are in an age of ADA, we are in an age of social media, we are in a scary time with my two daughters that I have sitting at home waiting for me to come home today. I fear for what they face in the next 15 years. I fear for the Missing and Murdered Indigenous Women's Act, Savanna's Act. These are all strides moving forward, but they should have already been in place.

That is why I am grateful that we could come together in this meeting. Because it does show that we are moving in the right direction. So now it is on us as leaders of the Federal Government, as leaders of our sovereign nations, to streamline these processes, to save a lot of the men and women in the Nation, across the Country.

So why can't North Dakota, and why can't the great leadership at the Federal level and the State level and the leadership of the United Tribes coming together set that example for the rest of this Country?

So that is the challenge I lay in front of our Senators and our Chairman and our representatives. Let's take that initiative, let's move it forward. We all know what the issues are. Let's take down those barriers that sadly, we have put in front of ourselves over the

years, and a lot of which just hasn't been addressed. Let's just go back to common sense, let's go back to protecting all of our people. Because our Native people are also wards of the Federal Government and are part of North Dakota.

So we were all elected to protect our people. I think that this is a unique opportunity for all of us sitting here together to move forward with that effort. I did put pictures of my little daughters inside my testimony. This is why this is so important, that is why we can't waste this opportunity.

So you made the first step. I appreciate that, and I appreciate the invite. So let's start climbing those steps, let's be that beacon for the rest of this Country. I thank you for your time, and again, I apologize for being late. If I covered a lot of what my counterparts covered, I do apologize. But thank you for your time.

The CHAIRMAN. Thank you. Thank you, Chairman, for your input and your testimony and your help in accomplishing exactly those things, trying to pass this legislation to help do just what we are talking about, and that is provide more safety to women, to children, to everybody, more help to law enforcement and to address the drug problem on the reservation. We appreciate your testimony, and it is an important part of helping accomplish it. We thank you for that.

I would turn to Senator Cramer and Congressman Armstrong for any additional comments you may have, and/or questions in regard to the testimony.

Senator CRAMER. Thanks, John. Thanks to all of you for being here. You have given us an [indiscernible] of time. As leaders, we know this is the most precious commodity we have. Your testimony has all been focused on [indiscernible]. Some of it has been repetitive, and Jamie, that is a good thing. That is a good thing. There is nothing wrong with that.

I have heard the word partnership many times, starting right down here, we started with MOUs and we have had partnerships and MOUS in a lot of that in between.

But I want to ask you, or maybe referenced it, as you referenced the mutual aid agreement, first of all, way to go. Thank you, congratulations. I think that is a great testimony to what is possible and finally to decide, the best interest of the crisis at the moment and the best [indiscernible] want to get their first. We can worry about the rest after that.

So I just post to all of you, do you have similar relationships, identical relationships? If not, what can we do to facilitate it? Maybe that is more of your issue than it is our issue, but it has been an ongoing one for a very long time. So any other thoughts on that type of an arrangement?

Mr. FAITH. Senator, I would say this, that Standing Rock does have a mutual aid agreement with the Bureau of Indian Affairs law enforcement through our game and fish, and multi-hazard mitigation plan that we have, working together in a time of need to be called on. So we do have that in place for some years now. I would probably say eight to ten years.

I would follow up with this. The recruitment MOUs that we talked about, I would say that if the State and Federal Government would come together and downsize their Federal regs of the indi-

vidual and allow the State academy person to be recruited, and then you have what you call the bridge. I think it is, Charlie will probably tell me if I'm wrong or right, but the bridge would be one month to two-month course that that person would take to become an officer, Federal officer in the jurisdiction in Indian Country.

So talking about MOUs, MOAs and recruitment, I think the Federal Government, working with the State, downsizing their, it is so hard to get people into that Federal status. But if they would allow you to pick up, recruit out of North or South Dakota that comes out of their academies, and then run them through that bridge project, that would make so much faster time than any other.

Right now, we don't have the 638 contract with the Bureau of Indian Affairs. We depend on them simply because the funding and the commitment of taking over a facility that is not up to standard. So I would say that MOUs, recruitment.

Senator CRAMER. Before I hear from the rest of the members, I want to highlight what I find to be sort of new news. You are talking about relationship with the Rolla police department, the Rolette police department. By the way, I was born in Rolette. That is way back, 100 years ago. But anyway, that is a little, that is stretching it a little further even that what you are talking about. That is the kind of cooperation I think is really interesting.

Mr. AZURE. So what spurred the discussion of even starting this task force was the unfortunate death of one of our officers [indiscernible]. The Turtle Mountains is a very small land base. So all the counties around us, I grew up with a lot of the current law enforcement. The reverberating talk with all the law enforcement around our area was that they don't care who is employed by whom. When something happens, it was brothers in blue, we are all brothers. There was an outcry from not only the Turtle Mountains but surrounding communities, to figure out some way we can protect each other. That is how the discussion started.

So once the discussion started, everybody wanted to be a part of it. I believe our last, well, we are going to have another discussion here next month. But our last discussion we had, everybody from the FBI to the highway patrol, sheriff's departments, the BIA, the tribal police, everybody wanted [indiscernible]. And we always run into bureaucracy. It is something new, there is always that little barrier that pops up that nobody anticipated.

Right now it is control over the task force. I went in thinking it was going to be funding, and we find out that now the FBI is going to be involved with their policies and procedures, and now we have to kind of step back and figure out how we can all work together. Once you put that many different funding sources together, I will say that it takes a little time, sure. You have to lay that foundation, you have to lay that groundwork, otherwise the task force will crumble.

So if we are going to do it, we are going to do it right. We are going to let everybody have their sway and everybody basically needs to step back a little bit and say, this isn't about the Turtle Mountains, this isn't about Rolette County. This is about everybody coming together to protect each other and protect our next future coming.

So all the other tribes, too, once we get everything in place, we are more than happy to give the framework to everybody and maybe we can start another MOU with the tribes here.

Senator CRAMER. Great. I also heard, the other keyword I heard frequently was prevention. I heard it in various forms. I think, Myra, you actually mentioned on-reservation treatment.

I would so much rather invest in partnerships and prevention and education than incarceration, obviously. And treatment, I would rather invest in treatment than incarceration, because I think [indiscernible] works [indiscernible] so important.

One of the things I want to highlight we haven't talked about yet, and you don't hear about a lot of the good things that happen in Washington. I know you wonder if anything good does happen.

But this year we did not only pass, but passed in both chambers and signed by the president the first [indiscernible] Act, which was serious sentencing reform that recognizes that not all crimes are created equal. Yes, we have violent crimes and violent criminals need to pay the price. But these crimes are of disease, crimes of addiction, they are different. And we have to find a better way to treat that. So I thank you for that testimony, I just want to highlight that as well. Thank you, and [indiscernible].

The CHAIRMAN. Congressman Armstrong.

Mr. ARMSTRONG. I think I will go back to some of my statement, [indiscernible] little bit [indiscernible]. It is very interesting to hear how similar a lot of your challenges are, but also I understand the uniqueness of each one of your different jurisdictions. Primarily [indiscernible] on who your neighboring counties are [indiscernible] cooperates between Spirit Lake and [indiscernible] County has been going on for a long time, McLean County obviously is very interested. I think that is one thing that we always have to factor in, too, as we continue to go across.

Of course, Governor Burgum has done a lot of that, and our own States Attorney [indiscernible] law enforcement agents. I think there is [indiscernible] when we are doing first step back, which I didn't really bring about, because I didn't get to vote for it, it happened before I got there. And it will disproportionately positively affect your tribal members [indiscernible] because of the nature of the Federal prosecution throughout.

So I appreciate that, and anything that we can do to help build those relationships. Because I will allocate, one thing that fascinates me in Washington, D.C. is how [indiscernible] crime is very often [indiscernible], whether it is in tribal court, whether it is in county court, whether it is wherever. So when we deal with policy in D.C., we deal with 50 separate States, and then the reservations and how they deal with things as well. The vast majority of addiction-related crimes get touched at that level. So the more we can continue to work it before it gets to the Federal incarceration level, the better off we are. And that really happens here, it happens in these meetings.

But more importantly, it happens with your local sheriff's offices, your local States attorneys. Hopefully as they go through some of the criminal justice reform, we continue to work toward areas where, I will just give this example. I stole it from [indiscernible], so it is not all mine. A 20-year old kid in Bismarck gets in trouble

for what he does. A 20-year old kid in Indian Country oftentimes gets in trouble for what he doesn't do. And because the 20-year in Bismarck can't really hide in his mom's basement for three to six months, whereas they can run to Fort Yates, or [indiscernible] and nobody [indiscernible] at that age. So they are like, I will just have [indiscernible] and I will be fine.

And six, eight months later, they get busted in [indiscernible] County, so they get a disproportionately large prison sentence. The easiest way to get a large prison sentence is not show up for probation, not show up for sentencing, miss court dates. But I think even more and more when we are talking about addiction and treatment, if it is an addiction-related crime, that is six to 18 months where they are not getting helped, they are not getting treatment, they are going farther down that spiral. The single best way to solve that is prosecute, that is between you all and local law enforcement, the Federal law enforcement agencies. The more we continue with that, and any way I can continue to be a part of that conversation I [indiscernible].

The CHAIRMAN. Thanks to all of you. Thanks for being here today, thanks for your testimony, thanks for what you do. Your leadership is critically important, every day.

Ms. PEARSON. Senator, may I say one thing?

The CHAIRMAN. Yes, certainly, Chairwoman.

Ms. PEARSON. The one thing that really helped the reservations at one time, that was a couple years back, was we had the reservation sweeps. I would ask you to consider that when you go back to Washington and see if we can possibly do that again throughout our reservations. But that helped a lot back then. And it is a reservation sweep, and it is by all these agencies coming together in North Dakota and sweeping the reservations. Consider that.

The CHAIRMAN. Have you talked to the Attorney General about it?

Ms. PEARSON. No, I haven't. But I told him I am going to pay him visit, so maybe I will.

The CHAIRMAN. Yes. That would be good to talk about.

Again, thanks to all of you. Thank you to Senator Cramer. Thank you to Congressman Armstrong. Also to our staff that put a lot of work into this hearing today. Jacqueline Bissell and also Holmes Wayland and Mike Andrews, our Committee staff director, thanks for what you do. We look forward to continue to work on these issues and others with you. Thank you so much.

The hearing record will be open for two weeks. With that, we are adjourned.

[Whereupon, the hearing was concluded.]

A P P E N D I X

RESPONSE TO WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
CHARLES ADDINGTON

Law Enforcement Recruitment and Retention

Question 1. You stated there were not enough people applying for the vacant law enforcement positions and cited as an example the Standing Rock Sioux Tribe, where 13 of 27 BIA officer positions are currently vacant. Tribal law enforcement stakeholders often point to housing shortages, prolonged hiring processes, and the lack of a competitive pay scale as the principle barriers to recruitment and retention of law enforcement personnel in Indian Country. Please provide an estimate of the law enforcement vacancy rate percentage for BIA-OJS as a whole and each BIA region.

Answer. The current estimated vacancy rates for the Bureau of Indian Affairs (BIA), Office of Justice Services (OJS) sworn staff in the field are displayed in the below table.

| Organizational Unit | Vacancy Rate % |
|---------------------------|-------------------|
| District 1 | 44 |
| District 2 | 21 |
| District 3 | 41 |
| District 4 | 34 |
| District 5 | 45 |
| District 6 | 33 |
| District 7 | 25 |
| District 8 | 67 |
| District 9 | 0 |
| OJS Overall (Field/Sworn) | 39 |

Question 1a. Has BIA-OJS identified any additional barriers that limit the Department's attempts to recruit and retain law enforcement officers?

Answer. Our most prominent challenges for recruitment and retention are (a) the length of time it takes OPM's National Background Investigations Bureau (NBIB) to complete background investigations; (b) housing shortages at remote locations; and (c) competition from State and Federal law enforcement agencies.

Question 1b. Do tribally operated law enforcement agencies experience similar recruitment and retention issues?

Answer. Yes, tribally operated programs experience the same challenges and historically high employee turnover rates (10+ percent annually).

Question 1c. Is BIA-OJS able to offer competitive pay and hiring incentive packages compared to similar positions at other federal law enforcement agencies? If not, is the Bureau aware of any regulatory or statutory changes that would bring BIA-OJS pay scales into line with these other agencies?

Answer. BIA-OJS seeks to be as competitive as possible within existing resources with its pay and hiring incentive packages compared to similar positions at other Federal law enforcement agencies. To do so, requests for a budget increase of \$1.5 million to upgrade uniform police positions were submitted by BIA-OJS for inclusion in the FY 2012 and FY 2020 budgets. Housing shortages in remote locations, prolonged background investigations, and above average crime rates exacerbate recruitment and retention issues. Police officers typically leave BIA and Tribal programs for employment with other State and Federal agencies.

Question 1d. What recruitment and retention programs or strategies is the Bureau currently utilizing to address the number of law enforcement vacancies at OJS?

Answer. BIA is mandated to utilize the USAJOBS website to advertise federal positions. We cross post the USAJOBS announcements on social media sites and use direct hiring authority for entry level positions when possible.

Additionally, we have recently developed a program through our Indian Police Academy that focuses recruitment efforts at events hosted by universities, colleges, armed forces, and anywhere else our recruitment team can connect with potential applicants.

Question 2. In response to questions from Senator Cramer, you voiced support for a demonstration project that would allow BIA to conduct its own background checks for law enforcement positions contained in S. 3755, a bill Senator Hoeven and I introduced last Congress. Please provide an estimate of the average length of time it takes to fill a vacant law enforcement personnel position at the Bureau and to complete the hiring process once a qualified applicant has been offered the position, including an estimate of the length of time it takes to receive a background check clearance for the hired applicant.

Answer. On average, it takes BIA-OJS 6 to 18 months to fill a vacant law enforcement position. This includes an average of 6 to 16 months to complete the background investigation process once a qualified applicant has been offered a position.

Question 2b. Are tribally-operated law enforcement agencies required to use the same background check process currently in place for BIA-OJS positions? And, if so, do tribally-operated law enforcement agencies experience similar delays when trying to obtain background check information for new hires?

Answer. Tribally-operated law enforcement agencies are required to follow a similar background investigation process as BIA-OJS. While many tribes utilize an outside certified background contractor or internal trained tribal personnel to conduct those background investigations, under the Tribal Law and Order Act, BIA-OJS must conduct background investigations if requested by a tribe. Under this option, tribes get their backgrounds done by BIA-OJS within 60 days since they do not have to use OPM's NBIB for this function.

Question 2c. Would a demonstration project like that proposed in S. 3755 from the 115th Congress improve the ability of the Bureau and Tribes to recruit and retain law enforcement personnel?

Answer. While we believe that a demonstration project like that proposed in S. 3755 would have many positive benefits for BIA-OJS and tribes, we would encourage the two Executive Agencies with policy and oversight authority over background investigations to comment on the effect.

BIA-OJS Enforcement of Tribal Civil Arrest Warrants

Question 1. When my staff visited the Standing Rock Sioux reservation, the Tribal Chairman stated BIA-OJS recently changed its position regarding the ability of its officers to enforce civil arrest warrants issued by the Tribal Court pursuant to the Tribe's legal code. BIA-OJS notified the Tribe that it based the decision on a Solicitor's opinion issued approximately three years ago that stated BIA-OJS law enforcement could not hold civil offenders in jail. The Tribe subsequently asked BIA-OJS to provide a copy of the Solicitor's opinion, but the Tribe informed my staff last week it has not received it. Please provide a copy of the Solicitor's opinion that indicates BIA-OJS law enforcement does not have the authority to execute Tribal civil warrants.

Answer. Legal advice from the Office of the Solicitor is privileged.

Question 1a When did BIA-OJS officers first inform the Standing Rock Sioux Tribe they would not be able to execute civil warrants issued by the Tribe's court? Please specifically detail if BIA-OJS executed civil warrants issued by the Tribe's court after issuance of the Solicitor's opinion and when the Bureau changed its arrest policies relevant to the opinion.

Answer. In February 2016, BIA-OJS changed its process regarding civil detainment and informed the Standing Rock Sioux Tribe that they would not be able to execute civil warrants issued by the Tribe's court. During the subsequent change of Chiefs of Police, BIA staff did allow for some civil detainment after the field was notified of the change in practice until the February 2016 change in process was brought to the attention of the new Chief of Police.

***RESPONSES TO THE FOLLOWING QUESTIONS FAILED TO BE
SUBMITTED AT THE TIME THIS HEARING WENT TO PRINT***

WRITTEN QUESTIONS SUBMITTED BY HON. TOM UDALL TO
JILL SANBORN

Missing Persons Cases

Question 1. Does the Bureau report missing persons cases it investigates in Indian Country into NaMUS?

Case Declination Rate

Question 1. You testified that a large portion of priority FBI investigations in Indian Country involve crimes of violence, such as murder, violent assaults, sexual assault of adults, and child sexual and physical abuse. Please provide an estimate of the FBI's total number of Indian Country investigations related to crimes against children; percentage of overall Indian Country cases that involve investigation of crimes against children; and percentage of Indian Country cases involving crimes against children that are referred to U.S. Attorneys for prosecution.

Question 1a. Is the Bureau able to determine what percentage of crimes against children that it investigates in Indian Country co-occur with crimes of domestic violence or violent crimes against a relative of the child?

Question 1b. When a case involving crimes against children is not referred for prosecution, what are the top three reasons that such cases are not referred?

Question 1c. Is the Bureau aware of what percentage of cases involving crimes against children referred for prosecution that U.S. Attorney's decline to prosecute?

Question 1d. Has the Bureau worked with Tribes, the BIA Office of Justice Services, and the Executive Office of U.S. Attorneys to address the primary cases of declination rates for crimes against children in Indian Country investigated by the Bureau?

