

**TESTIMONY OF JOHN STEELE, PRESIDENT
OGLALA SIOUX TRIBE
PINE RIDGE, SOUTH DAKOTA
BEFORE HOUSE NATURAL RESOURCES COMMITTEE
06/01/07**

Good Morning Mr. Chairman:

My name is John Steele and I am the President of the Oglala Sioux Tribe. Thank you for this opportunity to appear and thank you for scheduling this field hearing.

Mr. Chairman, law enforcement and public safety are some of the most basic and yet some of the most critical components of tribal life and tribal sovereignty. All Americans have the right to feel safe. I and a number of our tribal men were in the military and we fought for that right! This basic human need is so strong that our ancestors actually negotiated specific treaty provisions to insure it. Now, unfortunately, those same treaty provisions, which were and are supposed to insure us federal public safety assistance, have become nothing more than another broken promise.

Today, the Oglala Sioux Tribe is facing the loss of almost 50% of our tribal police officers in FY 2008. This is coming at a time when we are also facing a frightening and devastating increase in the number of methamphetamine sales, violent crimes, gang incidents and domestic violence cases. And, at a time when the BIA is actually proposing an increase, although a totally inadequate one, in law enforcement dollars for other Tribes across the nation.

The problems that I am about to describe are a direct result of the Interior Department's failures, and I would be less than truthful if I did not tell you that I am very angry about what has happened, and more than a bit desperate for your help. Here is our story.

A few years ago, when tribal law enforcement programs were still a part of the BIA's Tribal Program Allocation (TPA) budget, our TPA allocation for Oglala faced a serious cut. This was due in large part to cuts that the Administration had initiated in programs that were primarily being used by a handful of tribes like ours, which had large land bases and large populations. Unfortunately, because our reservation is almost twice the size of the State of Rhode Island, and has no state police presence at all, since we are by treaty and by law under tribal and federal jurisdiction, our law enforcement needs are very high. In fact, even the BIA agreed that the 119 plus officers that it was funding at that time were grossly insufficient.

When discussion began on how to address that budget crisis, the BIA's law enforcement staff advised us that while they were powerless to help us because of their funding limitations, they did have a solution to our dilemma. That solution went as follows: Instead of providing us with the funding that we really needed, the BIA recommended that we apply for police officer funding from the newly created Circle and COPS programs at the Department of Justice, and they agreed to help us acquire those DOJ dollars. Their reasoning was that by funding some of our BIA funded officers with DOJ dollars, we would temporarily take some of the burden off of our very limited TPA budget. This would allow the Tribe to use more of its limited TPA dollars to fund some of the critically needed social services that we were losing, and allow the BIA time to figure out how to get the money that we needed to address our new funding crisis. At their

urging, we did as they suggested and applied for COPS and Circle grants. While this helped for awhile, it has now left us in a new and even more desperate situation.

Under the approach I am describing, the BIA agreed that the COPS dollars would fund many of our officers' salaries and fringe, and the BIA dollars would fund their equipment, gas and other costs. Everyone was in agreement, and when the DOJ asked us to provide them with a statement of how these officers were going to be funded when our 5 year COPS program eligibility ran out (this is a statutory limitation), we told the DOJ what the BIA had told us, which was that the BIA would be picking up these salaries at the end of the DOJ grants.

Then, right in the middle of our 5 year COPS grants, the BIA funding was short again, and this time these same BIA's law enforcement people encouraged us to apply to DOJ for funding to replace our police vehicles on a one time basis. Because we had a desperate need for these new cars, since our average police car books in excess of 80,000 miles per year, and because we had no other options, we did as they recommended.

Then three things happened. First, as you can imagine, the BIA did nothing to help to add BIA money to our law enforcement budget. Second, the BIA and the Congress eliminated weatherization and one or two more programs that our Tribe was directing a sizable percentage of its TPA dollars into. When these programs went away, the TPA dollars attached to them disappeared as well. This resulted in another severe cut in the Tribe's overall TPA budget, leaving us with no money to move back into law enforcement as the COPS money decreased. Third, the BIA decided to take all tribal law enforcement and detention monies out of TPA, and create a new law enforcement/detention line item using as a base budget just the actual amount

of law enforcement dollars that the BIA was providing to each tribe at the time and ignoring our COPS contribution.

The end result of all of this is that we ended up today with a BIA law enforcement budget which funds less than half of the officers than it did when we first started talking with the BIA about our funding shortage, and the Tribe has ended up with a TPA budget which is, on a per capita basis, one of the lowest in the nation. Our law enforcement program is now so broke that most of our officers lack the basic equipment they need to do their jobs. For example, most of our police cars aren't even equipped with flares, fire extinguishers, emergency kits or even cones to block traffic when an accident occurs, and many of our officers have not received all of the training federal policy requires because we do not have the funding to send them. We also have no BIA budgeted funding whatsoever for vehicle rentals or replacements in 2008. Thus, we went from having an inadequate 119 officers before this started, to the 67 that we have now, and if nothing is done, we will be down to well below 40 in 2008.

Today, we have 40 BIA funded officers and 27 DOJ funded people to cover an area twice the size of Rhode Island, 24 hours per day, 7 days per week. Our DOJ officers will go away in 2008 because we are legally prohibited from applying for or receiving further COPS funding, and if we need to use some of the funding that the BIA currently provides to replace our police cars, each car will cost us one of those 40 BIA funded positions. At best, this will leave us in 2008, with approximately 25% of the police force that we had in the late 1990's and 50% of the already depleted force that we have today.

While we understand that the federal budget is tight, we cannot believe that this problem should prohibit this Committee from addressing bureaucratic negligence of this magnitude. The BIA has already said that on-reservation law enforcement, public safety and methamphetamine eradication are some of the President's primary concerns. We agree with these priorities and all we are asking them to do is to live up to the very principals that they themselves are expounding.

Mr. Chairman, our response time is already over an hour for emergency calls like assaults and robberies in progress and our officers are already working without backup. This creates very serious situations for both the victim and the officer, especially when you factor in unpaved and virtually impassable roads. Thus, the bottom line is that we need help now.

This unfortunately, is not the only problem that the BIA has left to us. We currently have two tribal jails which have been condemned for a number of years. If you look at the photos that we have provided, you will see a coffee can and a rubber wrap being used to keep two piece of pipe held together, exposed wiring next to flooded floors, walls so dilapidated that we actually had a prisoner punch his way out of jail, leaky roofs, cracked walls and other major problems. What you will not see is the fact that both of these jails lost heat altogether during some cold periods this winter, and that a number of our officers had to be pulled off of patrol altogether just to move prisoners out of this dangerous situation. One set of prisoners had to be moved from the Pine Ridge Detention facility to the Kyle Facility, which is the distance of 56 miles one way. That trip took roughly one hour to complete. This also placed an additional burden on the vehicle cost line item in our budget which is strained to begin with. The bottom line, however, is

that the list of life threatening problems for both officers and detainees at these facilities, and the list of constitutional violations that they present is too long to cover in this short testimony.

We also have a 911 center, the only one that serves most of our reservation, which is so deteriorated that it has snakes and mice coming through the roof, doors and walls and damaging thousands of dollars of government funded equipment. It also has a foundation which is literally falling off a cliff. Our law enforcement staff works in an administration building which is full of airborne asbestos, has a leaky roof, cracked walls and a wiring system that is not capable of handling our computers electronic equipment and our Tribal Court building is as bad if not worse. How can we possibly serve our people adequately under these conditions?

Our detention program also has a major staffing problem. In fact, we are so severely under-funded that we are often forced to leave one officer to oversee 30 or 40 male and female prisoners, many of whom are under the influence of alcohol or drugs. Our Director of Detention tells of one instance where a female corrections officer was forced to go into the drunk tank to break up a fight and she was attacked by a prisoner. This prisoner had her held down by the neck and the only thing that saved her was that fact that one of her extended family members happened to be being detained in that same cell at that same time. That female guard was the only person on duty at the time, and her only method of communicating with the single staff person at the juvenile facility next door was a whistle which she could not blow, because she could not breathe.

Our tribal court building is also condemned and in similar un-repairable condition. Vital tribal court records are being destroyed by mold and water damage, computers are often damaged by faulty wiring, asbestos is coming through cracked walls and ceilings and space is a very serious problem. Records from 1934 remain in jeopardy and much needed electronic records retention equipment is simply not available. How can you monitor someone through the court system under these conditions? It violates even the most basic constitutional standards.

Mr. Chairman, all of these buildings are well beyond repair and the costs of even the most basic repairs far exceed the cost of new construction. I have attached a more detailed physical description of these building along with pictures for your review.

We realize that in order to be effective our tribal law enforcement, courts, incarceration services, domestic abuse and other social programs, and Indian Health detox programs all have to work together. For this reason, we have been developing a new concept for an Oglala Sioux Tribe Department of Justice. If our Courts are not adequately staffed and equipped, then they are not going to be able to deal affectively with the people our police department arrests. If our jails are not safe, and if our diversion programs, like alcohol and drug detox and domestic violence counseling are not available, then our Judges cannot do their jobs effectively. And, if our people do not receive the detox and counseling services that they require, then they are going to be re-arrested. It's just that simple. Public Safety has to be a package deal.

Unfortunately, one of our draw backs has been that we have no place to house this new Department. As I noted above, our law enforcement and courts programs are currently being housed in overcrowded, dilapidated buildings, where we cannot even store the basic legal

records that we need to keep, or run the types of computers that we require in order to properly manage criminal and civil information. We have taken this space need to the BIA and all they tell us is that they have no money. We also have no detox services on our reservation, and our social service programs are so stressed that they cannot properly manage all of the cases that they receive. All of this combines to leave our community wide open to the negative influences of drug pushers and gangs and that is a very scary thought.

Today, our reservation is at a cross roads. We can either address these problems now, or deal with far larger problems in the future. It's just that simple. Our people deserve better and I would like to thank you for holding this hearing to begin to highlight what is really going on/