

Mr. Ragsdale, thank you for being here on behalf of the BIA. Chairman Ron His Horse Is Thunder, why don't you proceed?

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

Mr. HIS HORSE IS THUNDER. Good morning, Chairman Dorgan. Thank you for the opportunity, honorable members of this Committee, I am honored to give some testimony on this draft bill.

Something has changed in Standing Rock. Not only do we have 20 more additional law enforcement officers, but something changed actually before they got here. Yes, Senator Thune, Standing Rock was number one, we had the highest crime rate of any reservation in the Country last year, in January.

I was told, though, that in January of this year, Standing Rock didn't hold that dubious distinction any longer, that we had dropped to number two in terms of the highest crime rate in Indian Country. The tribe, unfortunately, who now holds that distinction, did in January, is the Blackfeet Tribe in Montana. I say it is not because Standing Rock's crime rate had been reduced any, but rather, that Blackfeet Country's crime rate had spiked itself.

Standing Rock now, I am told, as of a month ago, had dropped from number two on the list to eight or nine on the list. Again, I feel sorry for the other tribes who now have surpassed us in terms of crime rate, because again, I live on a reservation where that crime rate was number one and not that our crime rate has been reduced all that much, if any, before this peacekeeping surge, but rather again, those tribes' crime rate has surged for them.

We do, however, have 20 additional law enforcement officers on our reservation right now. And it has made a world of difference on our reservation.

But I really want to comment on important changes that this bill makes, that it does do a number of things. It reauthorizes critical programs such as Indian Alcohol and Substance Abuse Act, the Tribal Jails Program, the Tribal Cops Program and the Tribal Youth Program. It does a number of other things which we agree with.

But today I don't want to focus on the things I agree with, because that is all in my written testimony, but rather on some of the things which we think are missing. I am not going to comment today on the jurisdiction over non-Indians within reservation in terms of an Oliphant fix, because I know that is also in our written testimony as well as the NCAI's written testimony, and I wholeheartedly agree with their written testimony. I want to focus, again, on the problems on Standing Rock, problems in terms of what is missing from the bill.

One problem with the bill is the attempt to tackle the lack of consistent police presence in South Dakota. Again, we experience this first-hand on Standing Rock. Until the BIA sent a law enforcement surge to our reservation two weeks ago, we only had two law enforcement officers per shift to patrol a reservation the size of the State of Connecticut, 2.3 million acres.

The bill would impose new consultation requirements and provide important flexibility in officer training. And the flexibility in officer training I think is going to make a huge difference in terms

of recruitment and getting law enforcement officers into the field faster. Right now, they all have to go to training in Artesia in New Mexico, and it takes quite a lengthy time to get everybody through that training facility. The flexibility in officer training is going to make a difference, we believe, and so we support that.

But it does little to address other problems and that is simply, how do you get more officers interested in going to Indian Country? A problem for us is that we believe officers don't want to come to Standing Rock, that we are one of those rural communities, and if you live in the Great Plains, you know what I mean. There is a problem with salaries, we think salaries ought to be made more attractive to recruit people. And one of the other problems that we have on our reservation is lack of housing. Law enforcement officers are not exempt from that problem. They have at times attempted to live in smaller communities, placing one officer way out in a distant community. When he was on patrol, his house got broken into.

So having more law enforcement officers living side by side in our communities will make a difference. We can't tell them where to live, but because we can't tell them where to live, some of them have chosen to live off the reservation, which doesn't make them part of the community. If you are going to have effective law enforcement, they need to be part of our community. People need to see them, they need to be thought of as friends. So housing becomes a critical portion we think needs to be addressed in terms of attracting law enforcement officers.

One of the other things we would like to see is the idea of creating a deputy program or apprenticeship program. One way to do this would be to allow tribes to designate officers, such as game wardens, who would receive additional training and be deputized as BIA police officers. Standing Rock offered to do this with our game and fish department, and most of our game and fish guys are ex-police officers, they have been through the training.

But the BIA turned us down. They said that there was a problem with liability concerns.

One of the other problems that we see or areas that are lacking in the bill is in terms of prosecution. We support many of the changes in the bill that are intended to close the gap in prosecution with requiring the filing of declination reports and referring cases to tribal prosecutors, providing for additional Assistant U.S. Attorneys in Indian Country and making it a Federal offense to violate tribal protection orders.

We ask, though, that you make it mandatory to provide tribal prosecutors with the full, the full case file in declined cases for both Indian and non-Indian offenders in Indian Country. If U.S. Attorneys decline to prosecute a case, we should be able to take it up, the tribal prosecutors should be able to take it up. But we need the full case file, not just a report saying, this case was declined. A full case report would help our prosecutors.

We also suggest that tribal prosecutors be designated to enforce Federal law, similar to the special law enforcement commissions granted to tribal police officers.

This brings me to a fundamental concern, and that is lack of funding. I see your red light on. Are my five minutes already gone?

The CHAIRMAN. Six and a half minutes, actually. But we are glad you are here. Why don't you summarize at some point, Chairman?

Mr. HIS HORSE IS THUNDER. There are basically four fundamental pillars of justice in the Indian community, and that is the need for more police officers, the court systems need to be shored up. If we are going to bring in more offenders into our court systems, we need more dollars for the court systems.

Detention facilities are an area of utmost concern. I am very glad that you made part of the public record the detention facilities report, because it will show that there is a horrendous job in terms of detention facilities that this Administration has created across Indian Country. So we thank you for making that part of the report.

The fourth pillar in justice in Indian Country is this: alternative treatments for juveniles. You just can't simply lock them up, otherwise they are going to become more hardened criminals. We need to work with IHS, BIA needs to work hand in hand with IHS in terms of treatment for juvenile offenders.

Senator, members of the Committee, thank you for this opportunity to testify before you.

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

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

My name is Ron His Horse Is Thunder. I am the Chairman of the Standing Rock Sioux Tribe. I am honored to report on the law enforcement needs of the Tribe and to provide the Committee with comments on the draft bill entitled "the Tribal Justice Improvement Act of 2008." I want to thank this Committee, particularly Senator Dorgan, for your tireless work to secure much-needed resources for Indian country, for recognizing the need to reform Indian country law enforcement, and for your vision and commitment in creating this draft bill.

The Standing Rock Sioux Tribe is situated in North and South Dakota. The Reservation comprises 2.3 million acres, of which 1.4 million acres is Tribally owned and allotted trust lands. About 10,000 Tribal members and non-members reside on the Reservation in eight communities and in smaller towns. The Tribe's primary industry is cattle ranching and farming. We operate the Standing Rock Farms, two Tribal casinos, and a sand and gravel operation which help us supplement services and programs for our nearly 14,000 enrolled members.

It is important to recognize that effective public safety requires improvement and investment in all four pillars of the justice system: police, courts, detention and alternative services. All four areas must be addressed at once in order for any single improvement to be effective. Today, I will discuss our law enforcement needs and how the draft bill might help. I address each area in turn, providing specific comments on the bill. I will focus on specific provisions as well as on what I believe is missing from the bill.

I. Police

We are a direct service tribe, meaning that law enforcement and detention services are provided directly by the BIA. Until very recently, we had ten BIA police officers. This is enough for only two officers per 24-hour shift to patrol a 2.3 million acre reservation encompassing four towns, eight separate communities, 2,500 miles of roads, and a population of 10,000 residents. A 1997 Justice Department study found that Indian country had 1.3 officers for every 1,000 inhabitants, versus 2.9 officers in non-Indian jurisdictions. With our ten officers, we are 25 percent below the average for Indian country and about 66 percent below the average number of officers per 1,000 inhabitants in non-Indian jurisdictions.

As a result of inadequate law enforcement, we have one of the highest reservation crime rates. A 2006 "Gap Analysis" commissioned by the BIA to identify and review current policing and detention capacity in Indian country found that BIA District 1, which encompasses an eight-state region including North and South Dakota, had 108 law enforcement officers (LEOs), but needs over four times that amount (483 LEOs). In 2007, the BIA estimated that we would need at least 28 officers at Stand-