



The Confederated Tribes of the Grand Ronde Community of Oregon

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Chairman Calvert, Ranking Member McCollum, members of the Subcommittee, my name is Jack Giffen Jr. I am the Vice Chairman of The Confederated Tribes of Grand Ronde.

Thank you for providing me the opportunity today to raise an issue of great important to Grand Ronde and others in Indian County – the lack of adequate law enforcement funding for Indian Country. In particular, my remarks will highlight the continued impacts termination has had on Grand Ronde’s ability to secure federal funding for much needed law enforcement services.

Grand Ronde is located in rural northwest Oregon and is comprised of 5,270 members. The Tribe’s lands are located in the outlying areas of Polk and Yamhill Counties and part of Tillamook County.

The Tribe, terminated in 1954 and restored in 1983, has put significant effort into rebuilding its Tribal community, including a successful Class III gaming operation, management of over 10,000 acres of tribal timber lands, the largest health and wellness center in the area, an assisted living facility for tribal elders, various types of tribal housing, an education complex and other government offices.

While Grand Ronde has made great strides in rebuilding its Reservation community, the Tribe continues to suffer the effects of 29 years of termination, and it continues to be disenfranchised when seeking federal funding for infrastructure needs such as law enforcement and certain social services programs. Grand Ronde, like other terminated tribes, did not receive any of the federal investments nor social welfare benefits directed at Indian County during the era of self-determination.

When Grand Ronde was restored in 1983, the burden of rebuilding the Reservation – its law enforcement, roads, wellness center, school, tribal and elder housing, fell on the shoulders of the Tribe. In order for its people to return to the Reservation, the Tribe knew that it had to invest in its Reservation, people and culture, which it did.

The Grand Ronde community has grown significantly over the last two decades, and along with that population growth has come an increase in crime – especially involving drugs and violent crime. Due to the Tribe’s remote location, police response has been slow or non-existent, so in 1997 the Tribe took action to address the lack of law enforcement by entering into an Enhanced Service Agreement with Polk County, under which the Tribe paid the County hundreds of thousands of dollars per year to provide coverage in the Grand Ronde community.

In 2012, the Tribe started its own police department, and following the passage of Oregon SB 412 (state law which allows Tribal police officers to be treated as peace officers under Oregon law), began enforcing criminal law in the Grand Ronde area. The Grand Ronde Police Department works in cooperation with the local counties to provide law enforcement services

throughout the area. The Polk County enhanced services program has ended and the Tribe now has primary responsibility for law enforcement in the Grand Ronde area.

The Tribe has utilized COPS grants and State grants to fund some law enforcement and emergency preparedness functions, but does not have an identified source of funding for continuing operations. Due to the high crime rates in the remote and rural area – which also contains one of the largest tourist destinations in the State – it is imperative that, in the absence of Polk County enhanced services, there be police protection to ensure the safety of the community. In order for the Tribe to do so, it requires BIA funding.

The Tribe requested the Bureau of Indian Affairs enter into a 638 contract with the Tribe under which the Tribe would perform law enforcement services. The request was denied on the grounds that the Bureau of Indian Affairs isn't currently providing law enforcement services to the Tribe and thus there is no program to transfer to the Tribe in a 638 contract. Attached are copies of our correspondence with the BIA on this subject.

Had Grand Ronde not been terminated in 1954, it is highly likely the Bureau of Indian Affairs would have provided law enforcement services on the Reservation, thus, allowing the Tribe to today qualify for a 638 contract to fund its law enforcement.

The Tribe understands that the Bureau has a general policy of not funding law enforcement programs for tribes located in PL-280 states, except in special circumstances. The Tribe believes that it is the responsibility of the Bureau to provide such funding to all tribes, regardless of PL-280 status. Federal base funding for Tribal justice systems should be made available on equal terms to all federally recognized tribes. Nonetheless, the Tribe would qualify for funding under the Bureau's current policy as it fits the definition for special circumstances. Grand Ronde is similarly situated to other tribes in the region that are provided law enforcement funding pursuant to a 638 contract, such as the Fort Mojave and Hoopa Valley Indian Tribes.

For Tribes already receiving BIA funding, the Office of Justice Services ("OJS") considers the following Primary Criteria:

- (i) crime rates, including violent crimes;
- (ii) staffing levels/shortages by standard ratio (2.8 to 1,000 pop);
- (iii) size – land base/acres to be patrolled;
- (iv) recorded prevalence of drug or gang activity;
- (v) detention facility shortages;
- (vi) recorded calls for services resulting in a reportable incident; and
- (vii) consideration for new Department of Justice ("DOJ") granted detention facilities that need full operating expenses.

In order for OJS to properly consider this request, the Tribe has submitted the following information:

(i) Crime rates – violent crimes: The attached map shows the Grand Ronde area and designates in purple the Grand Ronde Enhanced Service area for law enforcement. Of major concern for Grand Ronde is the prevalence of violent crimes in the area, particularly sex crimes: 24.66% of sex crimes in Polk County occur in the Grand Ronde Enhanced Service Area (latest available Polk County data – 2010-2011). This percentage is staggering, especially considering that Polk County has 79,122 residents (2010 census) and several populated areas, including the cities of Dallas, Monmouth, and West Salem. The prevalence of assault and harassment is also staggering: 30.06% of all assaults and harassment in the County occurred in the Grand Ronde Enhanced Service Area (latest available Polk County data – 2010-2011). Clearly, there is a heightened level of violent crime in the Grand Ronde Enhanced Service Area as compared to the rest of the County, and addressing these crimes through multidisciplinary teamwork with Tribal social services, prevention programs, and County resources is a priority of the Tribal Police Department.

(ii) Staffing levels/shortages by standard ratio (2.8 to 1,000 resident population): The attached map also shows the boundaries of the historic Grand Ronde Reservation. The area outlined in red is the Grand Ronde Census Designated Place (“CDP”), which has a population of 1,661 (2010 census data). As noted earlier, the area outlined in purple designates the Grand Ronde Enhanced Service Area for law enforcement. This area was created to encompass the majority of the population in the Grand Ronde area. As the Enhanced Services Area includes Fort Hill and the outskirts of Willamina, the overall population served becomes an extremely conservative 2,500. Augmenting this figure is one of the largest tourist attractions in the State of Oregon – Spirit Mountain Casino – which is located directly in the center of the Enhanced Service Area. It is not uncommon for visitor levels to the Enhanced Service Area to reach 20,000. For example, on the weekend of August 10-11, 2013, the “Rally in the Valley” attracted hundreds of motorcyclists and other attendees. The event was handled entirely by the Tribal Police Department and Casino Security staff.

It is also important to note that State Highway 18, which traverses the Enhanced Service Area, is a highly traveled arterial to the Oregon Coast and a designated Safety Corridor. According to the Oregon Department of Transportation’s (“ODOT”) 2011 statistics, the average daily vehicle count on Highway 18, within the Enhanced Service Area, was 17,700. This highway has a history of many serious and fatal crashes and has been a focus of both ODOT and the Tribe’s Engineering Department, as they look at opportunities to improve safety in the area. The existence of this major highway through the Enhanced Service Area warrants enhanced police services. When compounded with the growing rural population and the multitude of Spirit Mountain Casino visitors, the need for 24/7 law enforcement coverage becomes magnified.

(iii) Size – land base/acres to be patrolled: The area that includes the historic Grand Ronde Reservation boundaries, the Grand Ronde CDP, and the Enhanced Service Area consists of 105.62 square miles (see attached map).

(iv) Recorded prevalence of drugs/gang activity: Drugs are a major problem in the Grand Ronde area. In fact, 47.8% of Polk County’s drug offenses were reported in the Grand Ronde Enhanced Service Area in 2012. This was a 23.3% increase in incidents from 2011, indicating

that the problem is growing quickly. The Tribe is very concerned about the prevalence of drugs in the community, and continues to struggle with the impacts of those drugs on its members and youth. Law enforcement is the most effective tool in combating illegal drug use; however, even with the 24/7 coverage provided through the Enhanced Service Agreement, the problem has not been brought under control. There is a high and demonstrable need for increased law enforcement to meet this need. Surely, a reduction of law enforcement presence in the community would only result in an upswing of drug activity. Further, although there is no recorded prevalence of gang activity in the area, the level of drug-related crime suggests that gang activity could be occurring.

(v) Recorded calls for services resulting in a reportable incident: In 2012, Polk County reported 2,458 incidents, of which 563 were located in the Grand Ronde Enhanced Service Area, which amounts to 23%. The population of the Grand Ronde area is only 3.2% of the County, and its land base is 4.2% of the County. Clearly, the crime rates are much higher per capita in this area such that effective law enforcement is necessary. It should also be noted that a portion of the Tribal lands are located in Yamhill and Tillamook Counties. Though there have been incidents in Yamhill County, that data is not available at this time. Nonetheless, that data would only supplement what has already been demonstrated herein as an established need for enhanced law enforcement in Grand Ronde.

Grand Ronde requests the Subcommittee's assistance in securing additional funding for the BIA, to be used to fund law enforcement efforts by the Tribe and its police force.

As an additional matter, the Tribe works cooperatively with the State of Oregon and our neighboring counties to improve highways on and near our Reservation. These efforts include widening and installing sidewalks on Grand Ronde Road, which connects busy State Highways 18 and 22, and committing \$4 million to the Newberg-Dundee Bypass, the solution to one of the major bottlenecks in the Oregon transportation system. The Tribe has also helped extend public transportation from Yamhill County and the City of Salem to the Reservation and coastal communities to the west. Good roads and access to public transportation help connect out Tribal members with jobs off the Reservation. We strongly support additional funding for highway improvements and public transportation on and near tribal reservations.

Thank you for considering these issues and I am happy to answer any questions that Subcommittee members may have.