



To: House Committee on Appropriations
Subcommittee on Interior, Environment and Related Agencies

From: Cheryle A. Kennedy, Tribal Council Chair, Confederated Tribes of Grand Ronde

Subject: Testimony on Appropriations

Date: February 26, 2019

My name is Cheryle Kennedy and I am the Tribal Council Chair of the Confederated Tribes of the Grand Ronde Community of Oregon (“Grand Ronde” or “Tribe”). The tribes and bands confederated on the Grand Ronde Reservation signed seven treaties with the United States between 1853 and 1855. These treaties were ratified by the U.S. Senate and today are binding on the Tribe and the United States.

Thank you for providing me with an opportunity to submit my testimony for the record and to raise an issue of great importance to Grand Ronde and other restored tribes in western Oregon and throughout Indian Country – specifically, the lack of adequate law enforcement funding for our reservations. Due to the unavailability of recurring public safety funding, Grand Ronde and other restored tribes must apply for grants, primarily those from the Department of Justice. These funds have helped, but they are not available every year nor are they sufficient. Grants pit tribes against each other for limited funding and come with restrictions that condition how funds can be used.

Grand Ronde’s reservation is located in Polk and Yamhill Counties, far from county seats and urban populations. The Tribe’s federal recognition was terminated in 1954 and restored in 1983. Termination devastated tribes in western Oregon, Washington, and California. At restoration, no tribe received the resources it needed to compensate for the destruction termination caused. Grand Ronde’s inability to secure recurring federal funding for its Tribal police force is one of the continuing impacts of termination. Like other terminated tribes, Grand Ronde was not able to receive any of the federal investments in services and infrastructure available to Indian Country in the years before restoration.

Since restoration, the Tribe has put significant effort into rebuilding the local and reservation communities. The Grand Ronde community has grown significantly over the last two decades, increasing the need for public safety. Grand Ronde is a P.L. 280 tribe. Nevertheless, county and state law enforcement have never adequately protected our reservation community. Because of

the slow response by police to incidents on the reservation, the Tribe in 1997 entered into an enhanced services agreement with Polk County; under this agreement, the Tribe paid hundreds of thousands of dollars for increased coverage of the Grand Ronde community by county deputies.

In 2011, the Tribe started its own police department and, in 2012, assumed primary responsibility for enforcing criminal law on Tribal lands. This was made possible following the passage of Oregon Senate Bill 412, which granted tribal police departments the ability to exercise state law enforcement powers.

The Grand Ronde Police Department provides 24/7 coverage in the community, employs seven full-time sworn officers, two emergency management staff, and one administrative staff person. The Tribe's primary coverage area is more than 100 square miles and the Tribe works in cooperation with the local counties to provide law enforcement throughout the area. P.L. 280 was passed based on the idea that states would provide law enforcement on reservations. That did not happen. Today, tribal police departments are providing coverage for their communities as well as for thousands of non-tribal members both on and off reservations. For parts of Polk and Yamhill Counties, Grand Ronde police officers are the primary first responders; they also serve as the principal back-up for law enforcement in other parts of the counties.

Violence against Native women is at an epidemic level. More than 4 in 5 American Indian and Alaskan Native women have experienced violence, and more than 1 in 2 have been sexually assaulted. The presence of Tribal police in our community is critical to stemming this surge of violence. Our Tribal police are sensitive to our culture and ways of living. As such, they are easily approached by residents who know of situations that may soon lead to violence. Non-tribal police, stationed many miles away, only arrive after there has been a disturbance and someone injured. Tribal police, based on the reservation, can be on the scene quickly if anything happens to endanger our women and girls. Funding tribal police is one of the most effective ways of preventing violence against Native women.

Grand Ronde's current annual budget for its police department is approximately \$1.1 million. The Tribe must self-fund more than 70 percent of this cost. The Tribe is able to direct some housing dollars to law enforcement, but this draws funds away from much-needed housing programs. The Tribe has also secured some competitive grants, like those available through Department of Justice programs. Relying on grants, however, is not a viable long-term strategy for the Tribe; grants are not always available for the equipment and personnel the Tribe needs and, when available, provide funding for no more than a few years. For example, Community Oriented Policing Services is an intermittent funding source that may only be used for new officer positions, training, equipment and technology. Tribes must be able to determine their own law enforcement priorities through stable base operations funding. Tribes know best what their communities need.

Grand Ronde is not the only tribe facing this problem. The Coquille Indian Tribe in Oregon also operates its own police force with four sworn officers, which costs the tribe \$700,000 per year. Coquille's primary jurisdiction also extends well beyond the borders of its reservation, and more than 66 percent of its tribal police call responses are for cases on non-tribal lands. The Cow

Creek Band of Umpqua Tribe of Indians has recently expanded the size of its land base by more than 17,000 acres. Cow Creek currently contracts with Douglas County for 2.5 officers, but this arrangement does not meet its needs, and the tribe would also like to pursue starting its own police force. The Confederated Tribes of Siletz Indians in Oregon and the Cowlitz Indian Tribe in Washington are in similar positions, and could use BIA funding to assist in their efforts to provide adequate public safety.

Grand Ronde is in critical need of sustainable base funding that it can rely on in the long term to plan appropriately for the needs of its police department and community. Every year, the Tribe is faced with developing a budget to sustain current operations. This creates many challenges for our Tribal police. Without additional and sustainable funding, we are unable to meet our community's public safety needs. In 2018, the Tribe's police department issued 894 case numbers. If we are unsuccessful in obtaining competitive funding, we are unable to implement technological upgrades such as electronic ticketing, replace old equipment, and appropriately maintain vehicles. The Tribe would like to recruit experienced officers, increase programs such as reserve officers, pursue additional cooperative opportunities with local jurisdictions to combat drugs and other crimes, and expand community outreach but has been unable to because of a lack of funding.

As part of its trust responsibility to tribes, the United States must ensure Native communities have the police officers they need. The United States has not lived up to this obligation; the funding available for tribal police and courts is grossly inadequate, spread across multiple federal agencies with different requirements, and primarily distributed through short-term competitive grants that cannot be used to fund basic operations.

The funding provided by the Bureau of Indian Affairs ("BIA") is inadequate to meet the needs of tribes. According to BIA's own 2016 report to Congress, the total need for base level law enforcement services in Indian Country is \$1 billion. The available funding is estimated at only 20 percent of need. Further, BIA does not recognize a federal responsibility to fund tribes in P.L. 280 states and has been operating under a policy by which it only provides funding to tribes in non-P.L. 280 jurisdictions. This policy leaves Grand Ronde, and many others, completely without BIA support.

Tribal public safety funding reform combined with increased funding are both needed to address these issues. Since the formation of its police department, Grand Ronde has been pursuing solutions on multiple fronts. It has applied for and been denied BIA funds. It has advocated at the Congressional level for language in the Department of Interior Senate Appropriations Bill requiring BIA to evaluate the challenges restored tribes face in obtaining police funding. The Tribe has also testified before the Department of Justice regarding its tribal justice funding programs and provided written comments.

I would like to thank the Committee. The FY18 Omnibus Appropriations Conference Report contains language very important to the Tribe and other similarly situated tribes. This report language states that "The Committees understand that several Tribes whose Federal recognition was terminated and then subsequently restored now face significant challenges in securing law

enforcement funding through self-determination contracts. The Bureau is directed to work with affected Tribes to assess their law enforcement needs and submit a report within 120 days of enactment of this Act that details the amounts necessary to provide sufficient law enforcement capacity for them.” Regrettably, the BIA has not completed this report, although in August 2018, Grand Ronde met with the agent in charge of preparing the report. I look forward to working with the Committee when this report is completed to help address this important issue.

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A robust Tribal police force is critical to the health of our reservation community. Before closing, there are two other areas affecting our reservation which I must discuss.

First, healthcare funding. In addition to serving my Tribe as the Tribal Council Chair, I am the Vice Chair of the Northwest Portland Area Indian Health Board. Before my most recent time on Tribal Council, I served for more than 30 years as a health administrator working to improve the access and quality of health care to Native people. Despite recent increases in the IHS budget, IHS is grossly underfunded. According to the General Accounting Office, between 2013 and 2017 Medicare spent \$13,185 per beneficiary annually and Medicaid spent \$8,109 per beneficiary. IHS, on the other hand, spent \$4,078 per patient. Because IHS isn't funded adequately, it is difficult to recruit physicians for Indian Country, build the clinics we need, and maintain and upgrade the clinics we have. Native Americans die on average 5 years sooner than other Americans, are 3 times more likely to die from diabetes, and are 5 times more likely to die from tuberculosis. This situation violates both our solemn treaties and the fundamental human rights of Native people. IHS must be fully funded.

Second, Grand Ronde is a fishing tribe. From time immemorial, our people fished at Willamette Falls and along the Columbia River. The Tribe has spent millions of dollars restoring fish habitat, both on and off the reservation. Winter steelhead are important traditional resources for my people – they are also listed as threatened under the Endangered Species Act. Recently, the Army Corps of Engineers told me it does not have sufficient funding to improve habitat and implement other measures to save winter steelhead. This is a tragedy. Unless things change, some of Oregon's winter steelhead runs will soon be extinct. Congress must provide funding for the Corps and others to protect winter steelhead. If not, my people will lose a critical part of their culture and our planet will edge nearer its death.

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In closing, tribal police forces are terribly underfunded and tribes nationwide are suffering from staggering violent crime and victimization rates. P.L. 280 tribes and those facing the challenges of termination and restoration are disproportionately impacted by this underfunding. As Congress determines how to best allocate funds, Grand Ronde asks that increased and targeted funding for these tribes be given a high priority.

Thank you.