

Terry Rambler, Chairman, San Carlos Apache Tribe
House Interior and Related Agencies Appropriations Subcommittee (03/07/2019)

My name is Terry Rambler, and I am honored to serve as Chairman of the San Carlos Apache Tribe, representing 16,600 enrolled members. My testimony today focuses on the Tribe's significant and longstanding unmet needs relating to public safety and justice in our community.

Background—Summary of Testimony. The San Carlos Apache Reservation spans 1.8 million acres in rural southeast Arizona. For decades, our Reservation has been plagued by violent crime and inundated by drug trafficking and resulting substance abuse. Crimes relating to these issues leave many of our community members in fear. The Bureau of Justice Statistics reported that San Carlos suffered 318 violent crimes in 2013, the third highest in Indian Country—a rate likely many times the national average for a community of 16,500 citizens.

According to the BIA, the Tribe's violent crime rate in 2009 was more than 6 times the national average. The need for added police officers at San Carlos ranked third on BIA's list of tribes with a high violent crime rate. The Reservation faced an alarming spike in violence (December 2010 – January 2011), including several homicides and a significant increase in violent crimes.

To help address the situation, the BIA approved the Tribe's request to participate in the High Priority Performance Goal program (a two-year initiative), which provided a significant infusion of resources for our San Carlos Apache Police Department ("SCAPD"), courts, and child protective services as well as increased coordination with federal law enforcement officials to target violent crimes and drugs. The HPPG was an enormous success. Our violent crime rate dropped more than the targeted 5%. However, the coordination with federal agencies and resources has waned since the two-year program ended in 2013. Since then, violent crime and substance abuse have again increased on our Reservation.

The San Carlos Police Department (SCAPD) is doing incredible work on a shoestring budget, all while working out of temporary trailers that are rapidly deteriorating. I am here to respectfully ask the Subcommittee to: increase funding for BIA public safety and justice construction—and to allocate funds to house tribal police and court systems; and to increase BIA public safety and justice operations funding to provide more staff and resources to Reservations most in need.

I am here to respectfully ask the Subcommittee to: increase funding for replacement construction of BIA public safety and justice facilities for tribal courts and police; to allocate those funds to construct a facility to house SCAPD and court systems; and to increase BIA public safety and justice operations funding to provide more staff and resources to Reservations most in need.

Public Safety & Justice Construction Funding. SCAPD entered a P.L. 93-638 contract for law enforcement services in the 1990s. SCAPD with our tribal courts, adult corrections (at the time), and BIA Criminal Investigators were all housed in BIA's Building 86. However, partly because the BIA failed to maintain the facility and due to the fact that it was sited in a flood zone, the BIA ordered the Building condemned in 2009.

The BIA quickly renovated a nearby federal building and moved its Criminal Investigators into the refurbished facility shortly after ordering the condemnation of Building 86. SCAPD and our tribal court officials continued to work in the condemned building for six years—often without electricity and AC (in the up to 120-degree summers)—until the BIA moved our police and courts into temporary modulars in 2015 with a verbal promise to permanently replace the facility.

While the modulars provided a slight improvement at the time, the structures are beset with problems. They were intended to serve as temporary classrooms and housing. They are simply not safe or secure to serve the public safety functions of law enforcement investigations and court proceedings, and the administration of both critically important governmental functions.

Nearly four years after moving to the modulars, the structure is rapidly deteriorating: the SCAPD Chief of Police works in an office with a crack in his wall where he can see the outside; the generator routinely malfunctions and does not provide AC throughout the unit; water service is intermittent; it lacks space for evidence storage; the floors do not securely support storage safes that include cash, drugs, and other evidence; the BIA maintains the building only once a week; and, there is not enough parking for our justice officials and the many visitors to the structure.

Rep. Tom O'Halleran visited the modulars last August. During the visit, his staff needed to use the restroom, but the water was out. We had portable toilets behind the modulars, but the 120-degree heat that day made them unbearable. The smell of sewage was palpable as he crossed the stained carpets near the broken restrooms. Later during his visit, in the midst of his discussion with our Chief Judge, the power went out, and we had to complete our meeting using phone flashlights. This unfortunately is not unique, but instead is a near daily occurrence.

The BIA's failure to keep its promise to find a permanent building to house SCAPD and our court system serves as a disincentive for any Indian tribe considering exercising self-determination by entering into a 638 contract for law enforcement functions. Ironically, BIA will find permanent facilities for its justice officials—just as the BIA did with the Criminal Investigators working on our Reservation—while letting 638 tribal programs fend for themselves.

BIA will respond that Congress has failed to appropriate funding to the Interior Department for tribal public safety and justice (PS&J) construction. Congress and the Administration have mixed the obligation to fund PS&J construction between the Interior and Justice Departments. With the exception of the 2009 ARRA, BIA-OJS has not received funding for new PS&J construction since FY2000. Instead, DOJ has received funding pursuant to the CJS appropriations bills. From FY2001-2010, Congress provided DOJ with nominal funding for new and replacement PS&J facilities in Indian Country. However, in FY14, DOJ unilaterally stopped new and replacement construction of tribal justice buildings, all while the BIA continued to condemn these types of buildings. The backlog in unmet need has significantly grown since.

Thanks in part to the work of this Subcommittee, the FY18 Omnibus provided \$18M in funding to the BIA Facilities for new and replacement construction of tribal PS&J infrastructure for the first time since the 2009 ARRA. This level of funding was maintained in the recently enacted FY19 funding package. Unfortunately, BIA OFMC and OJS have refused to allocate any of these funds to non-corrections PS&J facilities. The BIA has developed a list of tribal correction facilities in need of construction. However, to our knowledge, it has not developed a list of tribal police and courts facilities that it ordered condemned, such as Building 86.

The lack of justice facilities handcuffs tribal law enforcement, and contributes to the staggering violent crime rates on Indian lands. The men and women of the SCAPD and court system, like justice officials throughout Indian Country, put their lives on the line daily to make our community safer. No justice system can function without a safe and secure facility to house these dedicated officers. The time is long overdue to permanently replace Building 86.

REQUEST: To ease the backlog stemming from DOJ's unilateral construction moratorium, we urge you to increase replacement PS&J construction in FY20 to \$36 million; require the BIA to establish a priority list for replacement of tribal police and courts buildings that it ordered condemned; and require BIA to allocate half of the funding to replace these non-corrections tribal justice facilities that it ordered condemned.

Public Safety and Justice Operations. In 2018, SCAPD operated on a \$4.1 million annual budget. The bulk of this funding (\$3.6 million) comes from the BIA through our 638 contract, which is 100% dedicated to administration and staffing. To meet shortfalls for vehicles, equipment and other costs, SCAPD relies on year-to-year competitive grants through DOJ's CTAS and the BIA's Indian Highway Safety Grant.

In 2018, the 638 contract funding covered salaries for 29 sworn officers, including our Chief of Police, 1 Lieutenant, 2 Sergeants, and 25 Police Officers. In addition, the contract covers 9 dispatchers, and 4 Administration staff and daily operations. This staff of 42 is doing the work of 100 officers, working 12-hour shifts and overtime on a constant basis.

In 2018, SCAPD responded to nearly 29,365 calls for service, patrolled 329,900 miles, and made 2,972 arrests. SCAPD's 29 sworn officers serve our 16,000 citizens—or .001 per capita. Response times to calls for service average one hour due to our limited staffing and long distances that officers must travel, often alone, on our vast rural Reservation. DOJ reports the standard for rural agencies is 2.5 officers per capita (2003). As a result, SCAPD has a staffing shortfall of at least 28 officers (58%) in order to meet the national standard. SCAPD needs at least an additional \$2 million to address its unmet staffing and resources needs.

A prime example of this need is the 9-day operation that took place at San Carlos from February 5-13, 2019. Interior's Opioid Reduction Task Force, consisting of Special Agents from the BIA, Division of Drug Enforcement and BIA K-9 officers, SCAPD, and the BLM conducted a Criminal Interdiction Operation focused on areas known for high drug trafficking. The Operation consisted of high volume traffic stops, and capped a lengthy, two phased enforcement effort aimed at disrupting drug distribution networks targeting our Reservation.

The Investigative Phase of the Operation launched in 2017 when DDE Agents from the Tucson Office investigated the distribution of meth and illegal drugs throughout our Reservation. Agents conducted 20 controlled buy/walks of illegal drugs using undercover agents and informants, and adopted traffic stop seizures conducted by SCAPD. The investigations resulted in the combined purchase and seizure of approximately 416.9 grams of methamphetamine, which ultimately resulted in 18 Federal Indictments for charges ranging from Distribution of Methamphetamine, Conspiracy to Distribute Methamphetamine, Possession with the Intent to Distribute Where Children are Present, and Possession of Methamphetamine. The most notable achievement of the nine-day operation was the arrest of 17 of the 18 subjects indicted for Federal drug violations.

The Interdiction Phase of the operation focused on highway criminal interdiction techniques on state highways located on the San Carlos Apache Indian Reservation. Drug traffickers within Arizona and Indian Country favor several routes known to law enforcement. U.S. Highway 70 and BIA Federal Route 6 along with several Indian Routes are the primary routes for opioid and heroin distribution and trafficking. Narcotics traffickers use these routes to blend into the general motoring public. The purpose of the Criminal Interdiction was to disrupt routes utilized by drug traffickers in Indian Country, build new sources, and identify and apprehend wanted criminals through field interview techniques and the use of Narcotic Detection Dogs.

Our SCAPD Chief of Police appreciates the assistance provided by DDE and the Bureau of Land Management Rangers during numerous violent calls for service, unrelated to the 9-day operation. The increased law enforcement assisted SCAPD patrol officers. The community felt safe even for a short period of time. To sustain and expand law enforcement, we urge the Subcommittee to increase BIA PS&J operations funding to permanently increase SCAPD staffing.

While we must target and put a stop to violent crime and drug trafficking, we know that we must help our community members that have become victims of substance abuse. A November 2017 Senate Committee on Indian Affairs Roundtable highlighted the scourge of opioids in Indian Country, noting that the problem is “particularly complex in tribal communities given the lack of access to medical care, shortage of law enforcement and insufficient data on substance abuse.” In March of 2018, the Interior Secretary stated that the opioid epidemic is “an American issue across the board, but it tends to hit the tribes and nations much harder for many reasons.”

REQUEST: We thank the Subcommittee for increasing BIA PS&J operations in FY19 to \$411.5 million, rejecting the President’s request to cut funding to \$350.1M. For FY20, we respectfully urge you to increase funding for PS&J operations to \$450 million and target the increase to Reservations suffering the highest crime rates in the Nation, like the San Carlos Apache Tribe.

Funding to combat the opioid epidemic was scattered throughout the FY18 Omnibus and the President’s FY19 Budget proposal. The FY19 Budget proposed \$10 billion in new funding to combat opioids. IHS would receive \$150 million in competitive grants for opioid “recovery support in Indian Country.” BIA law enforcement would receive \$2.5 million for drug interdiction programs. We urge the Subcommittee to continue to prioritize funding to address opioid crisis, allocate substantial and direct funding to tribes, and urge the IHS, BIA and other agencies to coordinate and consult with Indian tribes to stop the scourge of opioids.

Education of Native Youth in Custody and Health Care for All Inmates. Our Tribe is fortunate to have a BIA-funded detention center that serves our at-risk youth. Through a funding agreement with a local government, we hired an amazing teacher that has been able to reach the most at-risk youth in our community. Working on a shoestring budget, we have significantly reduced recidivism among juveniles. We receive consistent positive reports back from families of youth that leave our center. We thank the Subcommittee for restoring the \$500,000 BIA juvenile detention education line FY17–FY19, rejecting budget proposals to eliminate the program. These limited funds go far in helping heal at-risk Native youth.

In 2004, the Interior Inspector General recommended that the BIA establish an MOU with IHS to provide onsite medical assistance at all detention facilities with more than 20 inmates. While the BIA met with IHS on several occasions the agencies have failed to reach final agreement. BIA-OJS has made the provision of tribal inmate health care a priority, but IHS maintains the position that each area office develop its priorities. Our detention center faces similar problems when seeking to provide health and mental health services to detained Native youth and adults.

REQUEST: We thank the Subcommittee for again retaining the \$500,000 for BIA juvenile detention education line in FY19. We ask the Subcommittee to consider increasing this line in FY20, mandating flexibility with other programs to use resources to educate Native youth in custody. We further urge the inclusion of report language to use BIA corrections and IHS funding to address health needs in tribal detention facilities, and to direct the BIA and IHS to enter an MOU to for the provision of health care at tribal detention facilities.