



# Oglala Sioux Tribe

## Department of Public Safety

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### TESTIMONY OF ALGIN YOUNG, CHIEF OF POLICE FOR THE OGLALA SIOUX TRIBE - March 2023

Chairperson and Members of the Subcommittee.

My name is Algin Young and I am the Chief of Police of the Oglala Sioux Tribe. I have over 22 years of professional law enforcement experience, I am a graduate of the federal police academy, and I previously served as the national Associate Director of Field Operations of the BIA's Office of Justice Services (BIA-OJS). I am also a former Marine.

To put my statement into context, the Pine Ridge Reservation is the third- largest reservation in the United States outside of Oklahoma, just under the size of the State of Connecticut. As of February 14, 2023, the Tribe has an enrolled membership of 51,460, an on-reservation law enforcement service population of more than 40,000 and 52 separate residential communities.

We are here today to implore this subcommittee to help us, as soon as possible, because our reservation has seen an influx of guns, illegal drugs - including fentanyl, methamphetamine, and heroin - and violent crime that can only be described as shocking and extremely dangerous. The numbers I will be providing you with are all from FY 2022. All have been verified and well documented at DOJ. I can assure you, however, that things are the same, and in many cases worse, right now in FY 2023.

Last year, we confiscated approximately 150 guns on the Pine Ridge Indian Reservation, many on school property. That is just guns. We have also confiscated machetes and other weapons. This school year, for example, we have already had two (2) juveniles brandishing machetes - not toys- real machetes - and threatening to cut anyone who went near them. Both were later found to be under the influence of illegal drugs. One was later discovered to have a loaded handgun as well. This was at our tribally operated Porcupine Day School when other students were walking in the halls to go to class.

As the attached chart shows you, in FY 2022, Pine Ridge had 131,181 E-911 and telephone calls to our dispatch center requesting service. Among these were 885 assault calls, 188 breaking and entering calls, 343 child abuse cases, 1,441 domestic violence calls, 621-gun related instances, and 484 narcotic/drug calls. We also had 595 missing persons reported. If the

Subcommittee would like more specific numbers on the call volume for homicides, sexual assaults, thefts, robberies, and other felonies, I would be happy to provide that. Our Tribal Police Department faced all of these calls with only 33 patrol officers, or somewhere between 5-7 officers per shift. That is 5-7 officers in 52 communities, again in an area just under the size of the State of Connecticut.

Unfortunately, both the FBI and the DEA are each over 90 miles away in Rapid City, thus it takes them well over one and a-half (1.5) hours to get to Pine Ridge. Instead, when a 911 call comes into our tribal dispatch center, it is our 5-7 tribal police officers per shift who have to respond, stop the violence, secure the crime scene, and locate and interview any witnesses on site. There is no one else. South Dakota is a non-Public Law 280 State which means that State and County officers do not respond to crimes unless it is a non-Indian on non-Indian incident.

Because these are emergency calls, our dispatchers do not spend time asking the caller if they, or the victim, are a tribal member, related to a tribal member, living with a tribal member, a member of another federally recognized tribe, a non-Indian resident of the Reservation, a person working for the Tribe, or a person who is delivering goods or services on the Reservation. We leave the issue of criminal jurisdiction up to the Courts.

My officers are exhausted, all working over 80 hours of overtime per pay period- 12 hours on and 12 hours off- every day, alone, with back up which is often over 30 minutes away. This is true even in cases involving a gun or other dangerous weapon, which as you can see, we have a lot of. Officers are driving at maximum speed between calls, on what most of you are aware are Pine Ridge's largely unpaved roads. Even then, most of our officers are forced to engage in a practice that we call stacking - backing up calls received and answering the highest priority calls first. Highest priority calls are usually on-going events. They are forced to do this stacking even in those cases where the other E-911 callers are reporting felonies.

Because of our shortfall in police officers, crimes are not being fully investigated, evidence is lost due to slow response times, and some prosecutions are not pursued at all because of those two things. Our officers sometimes do not even have the time to write a police report before being called away to another equally dangerous crime. They are stressed to the point that their health and personal lives are impacted.

Our tribal officers make far less than they would if they were working the same job for the BIA-OJS, or other federal police departments, and with far fewer benefits. They have no decent health or life insurance, no real retirement, and they do not get the salary increases, promotions, or retention bonuses, available to BIA-OJS employees and other federal law enforcement officers. Yes, we could pay them more, but because of budget constraints in the current allocation of funds, we would have to lay off a number of existing officers to do that.

We have senior citizens who are scared to leave their homes at night. Schools are worried about hosting basketball games and other public events because they have no law enforcement trained School Resource Officers. Citizens hear gunshots and see drug deals take place right next to their homes and near the places that their children play.

I have studied this situation closely and our problems appear to be based on three (3) factors.

First, Oglala's base BIA-OJS law enforcement budget was developed considering only the amount of BIA Tribal Priority Allocation (TPA) money that was being spent on BIA law enforcement in 1999, when the Office of Justice Services was created. This was when our tribal police force had over 59 additional officers being funded by short-term DOJ Circle and COPS grants. None of these DOJ-funded officers were counted in that BIA-OJS base budget calculation, even though they were funded by the federal government, employed at the urging of both BIA and DOJ, and under the supervision of the BIA Law Enforcement at the time. This undercount is something that the BIA-OJS has been aware of since 2000, but which it has not yet addressed.

Second, inflation. The increased price of gasoline, police cars, and insurance have, according to the BIA's own studies, significantly lessened our buying power over the last ten years. BIA-OJS has not budgeted properly for law enforcement equipment for over ten (10) years, and you cannot run a police department without cars, radios and guns. Our police cars, for example, incur around 150,000 miles per year. These are not items that can or should be replaced or funded solely from whatever year end money may be available.

Third, BIA-OJS continues to use a Labor Force Report from 2013 - over a decade out of date - to establish the OST's law enforcement service population. This Report was a study which did not count OST members' non-Indian spouses or children, non-members who work on the Pine Ridge Reservation every day, new businesses that have appeared at Pine Ridge since 2013, or the men and women who come onto Pine Ridge every day to deliver goods and services to the Tribe and its members.

Here's an example to show you how skewed this system is. The BIA-OJS recently told me that the OST has a law enforcement service population of around 19,800. However, the IHS, by its own measure, had 38,294 Indian patients registered at OST's IHS funded on-reservation clinic and hospital in 2019. Additionally, the State of South Dakota's FY 2021 Roads Use Study shows that the Pine Ridge Reservation has more than 2,500 people traveling onto the Reservation on a daily basis. These calculations notwithstanding, I urge you to look at OST's crime numbers and ask yourself if funding only 5-7 officers per shift makes sense or is sufficient to keep people safe.

Chairperson, the BIA will tell you that having 2.8 officers per 1,000 persons in the Tribe's law enforcement service population, the average amount provided in comparably sized rural communities across the United States according to DOJ, is nothing more than an "aspiration." But I ask you respectfully, how do I tell one of my police officers, or one of our Oglala senior citizens that keeping them safe is only an "aspiration?" I have already had one tribal officer suffer damage to his eyesight in a job-related incident. I don't want any more of my officers, or any Oglala citizen, to get hurt because our law enforcement program is so ridiculously underfunded.

While we have not yet seen the BIA-OJS's FY 2024 Budget Justification, and probably won't before this hearing, we have seen the overview and understand that the agency is requesting some \$99 million in additional BIA-OJS appropriations, all of which is going to Oklahoma, which we greatly support; body cams; and other new initiatives that do not include increasing the funding for us in any significant way. Thus, while BIA-OJS is requesting additional funds, we do not expect to see ourselves getting much, if any, new money in that request, just like we did not see any significant increases in FY 2023, despite the money that this Subcommittee gave the program. BIA will tell you that we received the third highest share of the new money that you appropriated, but look at our numbers and decide for yourself if the small amount we received made a real difference.

I have personally been in meetings in the last year where all of these problems were told directly to the Assistant Secretary for Indian Affairs, the Secretary of Interior, the White House and Members of this Congress, but to no avail. We get the same amount of money we got last year, with some very small increases which often do not even keep up with inflation. So simply put, we need your help in both FY 2023 and going forward into FY 2024, either through an emergency supplemental, an emergency reprogramming, or any other form of emergency funding assistance that you can provide to help us put "boots on the ground" to stop this madness. On a more long term basis, we need your help to ensure that the BIA-OJS corrects our highly-flawed 1999 OJS base budget, and our highly-flawed law enforcement service population. Please help us now, before any more loss of life or hospitalizations occur.

While an increase in the number of officers, and adding more prosecutors, may not stop every crime, common sense says that bringing down OST's over 30-minute average response time to call like shots fired, assault with a dangerous weapon in progress, and domestic violence, will help to decrease the injuries. Thank you.