



Oglala Sioux Tribe

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May 7, 2024, TESTIMONY OF JOHN PETTIGREW BEFORE THE HOUSE COMMITTEE ON APPROPRIATIONS SUBCOMMITTEE ON INTERIOR, ENVIRONMENT, AND RELATED AGENCIES

Good afternoon. My name is John Pettigrew, and I am the Acting Chief of Police for the Oglala Sioux Tribe (OST) Department of Public Safety (DPS). I have over 20 years of professional law enforcement experience and am a graduate of the federal police academy. Thank you for inviting me to testify.

To put my statement into context, the Pine Ridge Reservation is the third-largest reservation in the United States, outside of Oklahoma, and is 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.

- Public Safety Crises

Last year, my predecessor, Algin Young, testified about our extreme officer shortage and the devastating increase in guns and drugs on our Pine Ridge Reservation. I am here today to tell you that things have only gotten worse. For example, in FY 2021, we had around 138,000 calls for police service and 33 officers. That was around 5-7 officers per shift, 24 hours a day, 7 days a week, 365 days a year because we have exclusive federal/tribal criminal jurisdiction over the Pine Ridge Indian Reservation.

For FY 2023, we had over 165,799 calls for police service, and we had only 30 patrol officers. Along with other crimes, these calls reported: 1133 assaults, 449 cases of child abuse, 1,245 cases of domestic violence, 589 gun-involved crimes, and 343 cases of the most serious drugs. Just between October 1, 2022, and February 2023, we have had 8 homicides, 8 violent rapes, and another 299 serious cases of child abuse.

Due to our extreme shortage of officers, our average response time continues to be between 30 minutes and an hour. Medical clearances for an arrest, which is often required for a large percentage of our detainees, continue to exceed 3 hours, and our Indian Health Services (IHS) referred care cost for a single crime victim can easily exceed the cost of two officers' salaries for a year.

Our officers continue to work alone, with backup, if any is available, being around 30 minutes away, even when the alleged perpetrator has a loaded weapon. 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.

Despite our previous testimony, our federal partners, the Federal Bureau of Investigation and the Drug Enforcement Administration assigned to Indian Affairs, are still based in Rapid City, SD. Not in our reservation communities. The United States Assistant Attorney's Office often declines to prosecute an astonishing number of crimes that fall under the Major Crimes Act, General Crimes Act, or Assimilative Crimes Act, which have occurred in Indian Country. Finally, many of our ambulance workers carry firearms to protect themselves when officers are unavailable. Although we do not recommend this, they do it anyway for their personal safety.

The picture I am about to show you is a 13-year-old student carrying a handgun just off the campus of a Bureau of Indian Education (BIE) funded school; you will hear Mrs. Firethunder testify further on school safety. I wish this were an isolated incident, but it is not. We have over 100 weapons in our evidence locker that were confiscated on school grounds. As a result of school safety issues, many South Dakota state schools have refused to come onto the Pine Ridge Reservation to compete in school sports. State schools consider the lack of law enforcement too dangerous for their students.

I also have a tape that I was going to play for the Subcommittee, but it is simply too graphic. Therefore, I will leave it with your staff with that warning; it is graphic. On the tape, you will hear what our 911 officers hear regularly: a young mother being beaten by multiple men for over an hour. In this instance, her arm, skull, ribs, and leg were broken, and she had multiple contusions, all of which required a great number of medical procedures, which were funded by this Subcommittee appropriations to the IHS.

Due to the lack of law enforcement, our department took 1.5 hours to respond to the 911 call in this incident. Our own tribal attorneys are reluctant to encourage members to get protective orders because protective orders are only as good as a police officer's practical enforcement ability. As many of you know, anyone with service in the armed or protective forces understands what it feels like to be helpless, knowing someone is in danger and you are powerless to help them in time. It's hell, and we feel this often.

Because crime on our reservation is so high, rumors are rampant. A little over a month ago, Oglala had a projectile hit a school bus, and many of our parents feared it was a bullet. You can only imagine the social and political ramifications of this fear and the fear that our already overworked and underfunded officers felt when they went to a parent's home. Suffice it to say it was not pleasant.

Recently, a national news network aired a report called "Cartels Target Indian Reservations," and I want to be clear about that broadcast. I cannot tell you that El Chapo Jr. is personally on our reservation, but what I can say is that we do not have any drug, fentanyl, or gun manufacturers on our reservation. A larger percentage of the drugs and guns that we do see can be traced back to the Mexican border and the Cartels that are at the top of the supply chain.

- **The Need for Additional Officers**

As a result of our shortfall in police officers, crimes are not being fully investigated, evidence is lost due to slow response times, and some prosecutions cannot be pursued due to 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 also make far less than they would if they worked the same job for the BIA-OJS or other federal or state police departments, with far fewer benefits. In fact, they have no decent health or life insurance, no real retirement, and they do not receive federal salary increases, promotions, or retention bonuses available to BIA-OJS and all federal employees, even though they are performing the federal government job.

Following the federal minimum standard from the Bureau of Indian Affairs (BIA) requires a minimum of 2.8 officers per 1,000 people. That would give us a minimum of 113 patrol officers. I have 30. You may hear from the BIA about calculating a tribal service population, but to me, it's simple! Do we have exclusive criminal jurisdiction over that crime; yes. Does that call for emergency police service get answered by our 911 call center: yes. If the answer is yes to both of those questions, it is our responsibility to service that area, and it should be considered a part of our service population. The dispatcher does not pause and asks what race the victim is or if they are a tribe member. If they are in danger, we will respond, plain and simple.

OST-DPS uses the IHS registered patient numbers from our on-reservation IHS program (people need to be there to register) to calculate our service population, which is around 50,000. Even though using our tribal enrollment would suggest that we need more than the minimum 113 patrol officers using the federal standard stated above. Let me take a moment to explain how our law enforcement services became so diminished and what we propose as a solution.

- **Resetting the BIA-OJS Law Enforcement Budget**

In the late 1990s, Congress passed the first Indian Law Enforcement statute. That statute mandated the creation of the BIA Office of Justice Service (OJS) and afforded it certain mandatory responsibilities, in addition to other federal laws that have been added to this mandate. Those responsibilities were not and are not discretionary; they are established by existing federal law.

Unfortunately, when Congress passed those laws, neither Congress nor anyone in the Administration or since has thought about what it takes to fulfill the responsibilities of meeting the 2.8 officers per 1,000 service population that BIA-OJS and the Department of Justice (DOJ) use to meet the minimum needed to fulfill this essential governmental function.

Instead, the BIA created the OJS with the money it was spending in 1999, ignoring the other federal funding the DOJ provided. The reality was that well over 70% of the Indian law enforcement funding at that time for large land-based tribes with exclusive federal/tribal criminal jurisdiction was being provided by DOJ grants. When those DOJ grants expired, they were never replaced by the BIA-OJS. Between the mid-2000s and now, inflation took over, and OST-DPS went from the 130 officers it had at the end of the 1990s to the 30 I have now.

Although Congress regularly provides add-ons to the BIA's appropriations request for law enforcement, it has never been adequate to supplement the federal funding large land-based tribes received from DOJ grants in the 1990s. Although inflation has certainly taken a toll on our generally flat annual funding from Congress, the federal government's newly created law enforcement standards are also partially to blame because they have been mandated to tribes without any additional funding to meet those standards.

It is important to recognize that officer salaries are the lowest cost for OST-DPS. Most money goes to cars, gas, insurance, and other disposables subject to inflation. Last year, Chief Young presented this Subcommittee with our federally mandated equipment list and the prices we faced. For example, in FY2022, an annual salary for a certified law enforcement officer is just \$55,814.40, an annual salary with fringe benefits is just \$74,685.25, but mandatory equipment is \$97,401.82 per year per officer. I will leave a copy of these costs with your staff.

These costs are set by the OMB and Congressionally mandated competitive bid process, so there is nothing we can do about cost. It's the public market, and we either pay or go without. I certainly cannot send an officer 40 miles on a bicycle. To make matters worse, the BIA is mandated by contract to perform an equipment check at least once a year to ensure that we have everything on that list in good working order. If we don't, we are declared to be in breach of contract.

Consider what you paid for a new car ten years ago and what you would have to pay for that same car today. We turn over vehicles quickly because our police cars travel around 30,000 a month. While we appreciate your ongoing support of add-ons to the BIA's appropriations request for law enforcement, we really need a budget reset for the base funding that large land-based tribes receive.

BIA's annual reports submitted to Congress admit that they are funded at 15% of actual need. Not 50%, 15% of actual need. We request a budget correction to bring us up to par with our non-Indian law enforcement services. We will never get where we need to go, or even at par with other federal programs with regular add-ons, and we will never get where we need to be unless Congress orders the BIA to give newly appropriated funds to tribes and not in-house operations. We know a budget correction will not be done in the next year, but if Congress can implement a budget correction over the next two or three years, it would give my officers some hope.

In summary, we need your help now. We need School Resource Officers, drug and cadaver dogs, and more patrol officers. Finally, both Democratic and Republican Administrations have studied the lack of law enforcement in Indian Country to death; instead of another study or another needs assessment report, we need the budget reset that those prior studies have recommended! It's just that simple!

Thank you for your continued support of Indian law enforcement and especially of my Tribe.