

MR. DAVID BEAN, PUYALLUP TRIBAL COUNCIL
TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE
HOUSE SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE AND
RELATED AGENCIES
FISCAL YEAR 2014

Mr. Chairman, my name is *David Bean, Tribal Councilmember for the Puyallup Tribe of Indians*. On behalf of Chairman Dillon, the Tribe thanks the Committee for its past and on-going support of numerous tribal issues. I am pleased to present testimony regarding the continued funding of the following offices within the Department of Justice: the **Office of Justice Programs (OJP)**—the Tribe urges Congress to reinstitute the 7% tribal set-aside from all discretionary OJP programs, which would provide more than \$80 million for tribal justice programs; the **Office of Community Oriented Policing Services (COPS)**—the Tribe supports the FY 2013 Budget request of \$286 million, with an additional \$27 million for hiring law enforcement personnel and an additional \$20 million for the Tribal Resources Grant Program; and the **Office on Violence Against Women (OVW)**—the Tribe supports the FY 2013 Budget request of \$412 million and further requests that funding be provided for the implementation of the tribal provisions of the Violence Against Women Act Reauthorization of 2013 (VAWA).

Introduction: Public safety and criminal justice systems are the foundation for community stability and the wellspring for economic development and entrepreneurship. We look forward to working with the 113th Congress to ensure that funding levels in the FY 2014 Budget are sufficient to meet and carry out our public safety and justice responsibilities. We note at the outset, that at the time this testimony is being submitted the President's FY 2014 Budget has not yet been released. We remain optimistic that Congress and the White House will find common ground on the broader budgetary issues and that the FY 2014 Budget will fund essential Justice Department programs important to Indian tribes at levels commensurate with our well documented needs and be mindful of the federal government's trust responsibility to tribes.

By ensuring tribal access to OJP funds, COPS grants, and funding to implement VAWA and other OVW programs, this Committee will ensure that tribal governments can be active stakeholders in promoting and enhancing law enforcement and criminal justice services in our communities and in partnership with surrounding jurisdictions.

The Puyallup Reservation is one of the few reservations located in an urban setting, where we must deal with the reality of gang violence. The reservation is located in the Seattle-Tacoma area of the State of Washington. Our reservation is a little more than 18,000 acres in size and includes parts of several different municipalities, including Tacoma, Fife, Milton, Puyallup, Edgewood, and Federal Way. In addition, the Puyallup Tribe provides services for more than 4,000 Tribal members and more than 25,000 additional Native Americans who reside in the area.

The Puyallup Tribal Police Department is led by a Chief of Police, and staffed by twenty-nine commissioned officers and two reserve officers. The Department preserves peace and order within the boundaries of our reservation, in addition to the usual and accustomed areas. Unfortunately, due to limited federal funding for law enforcement in Indian country, only two of our twenty-nine officers are funded with federal funds. The remaining twenty-seven officers and additional nine detention officers are funded by the Tribe. The total cost of Tribal justice services, including facilities operations and maintenance, exceeds \$5.7 million per year.

The law enforcement and criminal justice programs we must subsidize with Tribal revenue—due to chronic underfunding by the United States—deprives us of revenues we otherwise require for Tribal housing, health care, education, cultural and social programs for our members.

The Tribe is fortunate to have a good working relationship with state, county, and local law enforcement agencies. In fact, we have had intergovernmental agreements with Pierce County and the City of Tacoma for many years. Tribal police officers are cross-deputized so that arrests can be made not only under tribal jurisdiction, but under city or county jurisdiction as well—in these instances offenders are turned over to the local authorities to be processed. We cannot adequately convey to you how important these cross-deputization agreements are to the Tribe.

Despite these intergovernmental agreements, the Tribe's law enforcement division is exceeding its maximum capabilities, due to an ever-increasing population. Without the large subsidy provided by the Tribe for public safety, we would not have a comprehensive program to address the many law enforcement needs of our community. For that reason, it is extremely important that the Department of Justice continues to fund the programs that support us in our efforts.

Office of Justice Programs: Last year, the Department of Justice again proposed bill language to provide for a 7% tribal set-aside for all discretionary OJP programs to address Indian country public safety and tribal criminal justice needs. This level of funding would provide \$81.3 million for tribal justice programs. Similar to last year, the Puyallup Tribe of Indians joins with the National Congress of American Indians (NCAI) and other tribes in urging Congress to include the 7% tribal set-aside in the FY 2014 bill language. This 7% set-aside is critical for tribes because it would provide a more flexible funding structure and would complement DOJ's Coordinated Tribal Assistance Solicitation (CTAS). The CTAS streamlined grant application process allows tribes to submit a single application for multiple purpose areas.

Puyallup's Tribal Justice Center. The Department of Justice program established to address detention facilities in Indian country has been historically underfunded. In a recent report, the Department of the Interior estimated that a \$8.4 billion need over the next ten years exists in order to bring tribal and Bureau of Indian Affairs (BIA) detention centers up

to current standards. To address this need, we request that—at a minimum—\$30 million be appropriated for the Department of Justice Detention Facilities Construction in Indian Country program for the construction of detention facilities and tribal justice centers.

The Tribe identified a need for a Tribal Justice Center to provide a comprehensive, holistic justice program where law enforcement, probation, court and detention could be housed in one location. This approach is consistent with DOJ and BIA efforts to coordinate agency programs to enhance program performance. To achieve this goal, the Puyallup Tribe initiated the design and construction of a 43,932 square foot “Justice Center” to be located on our reservation. The total construction cost of our Justice Center is estimated to be \$25.6 million. It will provide facilities for the delivery of judiciary services, including a 14,700 square foot adult corrections facility (28 beds), a 12,354 square foot law enforcement command center, and a 16,878 square foot Tribal court center. The Tribal court center will include courtrooms, judges’ chambers, court clerk, prosecution, probations and public defender.

We are building the project in phases in order to meet budgetary constraints. Phase I involves the initial construction of the corrections facility at a cost of \$9.6 million. The Tribe was successful in securing ARRA grants to partially fund the construction of the corrections facility; the remaining balance will be supplemented with Tribal funds to complete Phase I. Ground breaking will occur shortly and we anticipate construction to be completed by the end of the year.

Phase II will involve the construction of the law enforcement command center at a cost of \$7 million and Phase III will consist of the construction of the Tribal court center at a cost of \$9 million. The total cost of Phases II and III of the Justice Center is estimated to be \$16 million.

Office of Community Oriented Policing Services: The FY 2013 Budget request also included \$286 million for COPS programs, a \$91 million increase for hiring police officers and non-law enforcement personnel. The Tribe generally supported this request, but we noted that the demonstrated need for additional law enforcement personnel in Indian country alone is \$42 million—nearly three times more than the \$15 million specifically included for hiring tribal law enforcement officers. The Tribe requests that the FY 2014 bill language include \$42 million for additional law officers in Indian country to address this serious shortfall of law enforcement personnel.

The demand for law enforcement services will continue to increase as tribal governments continue to enhance civil and criminal justice administration. This is particularly true given the recent recognition by Congress in the reauthorization of the Violence Against Women Act of tribal jurisdiction over domestic and dating violence offenses, regardless of whether an offender is Indian.

As noted above, Puyallup is further impacted by the existing and growing “gang problem” within the boundaries of our reservation. Gang violence creates greater logistic problems for our Tribe than other reservations due to our urban setting, where we must interact with city, county, state and federal agencies. In an effort to combat gang activities, the Puyallup Tribal Council created a Gang Task Force within the Tribal Police Department. The Gang Task Force developed a gang policy that includes a four-prong approach: (1) enforcement; (2) intelligence; (3) education; and (4) physical-mental health. Currently, these programs are either being implemented or designed for use, with supplies and staff being provided by the Tribe. What is needed to move forward is federal funding in each pronged approach.

Furthermore, the FY 2013 Budget provided \$20 million for the COPS Tribal Resources Grant Program which allows tribes to purchase much needed equipment and supplies for community police services. While the Tribe was supportive of the increase of funds dedicated to necessary law enforcement resources, we noted that in fact \$40 million is needed to sufficiently fund the Tribal Resources Grant Program. If our Tribe is to live in safety and focus on health, education and economic development, our law enforcement officers must have the necessary equipment and resources to fulfill their responsibilities.

Office on Violence Against Women: In addition, the FY 2013 Budget requested \$412 million for the OVW, including \$500,000 for the Indian Country Sexual Assault Clearinghouse to provide training on the handling and prosecution of cases which involve domestic and dating violence against Native women. We supported these requests in the past and continue to do so today.

We also join with NCAI, other tribal governments, and Native women across this country in commending Congress and the Administration in the recent reauthorization of the Violence Against Women Act, and its recognition of the inherent authority of tribes to investigate and prosecute Indians and non-Indians who commit crimes of dating and domestic violence. We further request that FY 2014 bill language include funding for additional resources that tribal justice departments will need to exercise this inherent jurisdictional authority. This funding will be absolutely critical to the successful implementation of the law.

Sequestration: Finally, it is the Tribe’s sincere hope that the FY 2014 bill language remedy the drastic cuts to FY 2013 appropriations implemented under the sequester. As we have already stated, tribal justice programs have been historically underfunded—and this is in spite of the fact that the federal government maintains a sacred trust responsibility over Indian affairs. The across the board 5% cuts to already underfunded tribal programs will have devastating impacts on Indian country and reverse or delay tribal efforts, such as my Tribe’s, to improve our economies and the health and well-being of our members.