



Red Cliff Band of Lake Superior Chippewa Indians

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Tribal Administration

September 14th, 2022, Written Testimony to Subcommittee for Indigenous Peoples of the United States on Interior, Environment and Related Agencies

Thank you for this opportunity for the Red Cliff Band of Lake Superior Chippewa Indians to provide testimony on **H.R. 8387, Tribal Parity in Law Enforcement Act**. This bill would enable tribal law enforcement officers equitable benefits similar to those received by federal officers, including access to civil service retirement benefits under subchapter 83 of title 5 of the U.S. Code. In addition, we will be speaking about the BIA Public Safety and Justice Funding base funding impact.

To best understand how this Bill would impact the Red Cliff Police Department, we provide the following summary:

The Fiscal Year **2023 BIA Greenbook** shows a total Base Public Safety and Justice Funding to District 7 (our district) of \$6,329,254. This is base funding for 14 Tribes in Wisconsin, Minnesota, and Michigan and is an increase of \$266,841 from FY20 base funding. Of the six-million dollars received, the Red Cliff Band of Lake Superior Chippewa Police Department received \$224,201 in base funding, roughly 3.54% of what's allocated to the 14 Tribes in District 7. The 13 other Tribes in District 7 received an average base funding of \$469,619.

Other annual funding to the Red Cliff Police Department includes FY22 **Wisconsin Department of Justice** funding from a Tribal grant for \$62,883 and a County-Tribal grant for \$40,896. This covers the cost of one full time equivalent Officer. While a recently reliable source of annual funds, the WI DOJ funding consistently declines annually. Red Cliff has also been successful in securing **U.S. Department of Justice** competitive funding to support direct costs for officers. However, this is one-time funding that is not guaranteed and contingent upon our successful application.

While BIA base funding for Red Cliff Law Enforcement has increased \$63,662 since Fiscal Year 2018, we are unable to conform to **25 CFR §12.34**, which states tribal officers must be paid at least the same salary as a Bureau of Indian Affairs officer performing the same duties. This was revealed as a compliance issue during a recent Public Law 93-638 contract monitoring report (Contract No A20AV00086).

Due to the extensive efforts of the Tribe to secure additional competitive funding, the Police Department now has **nine full time employees**: six officers including the Police Chief, one full time Administrative Assistant/Registration Clerk, one Law Enforcement Victim Specialist and one Police Department Manager. This is elaborate growth from 3 staff in the 1970's and an average of 4 staff from then to 2018. This staffing level provides comprehensive in-jurisdiction police coverage 24 hours each day, 7 days of the week, 365 days of the year. The Red Cliff Police Department handles all its own investigations, seeking assistance in complex investigations from state and federal sources if needed. This staffing pattern is not without challenge. For many reasons, we see consistent turnover. **In the past decade, the Department has seen 16 Officers leave.** Human Resources data show us that 100% of these Officers left to join other municipal Police Departments that were able to offer retirement benefits in accordance with subchapter 83 of title 5 of the U.S. Code. Other reasons for leaving are the lack of a sufficient Police Station, low wages, and the intense demands of the work.

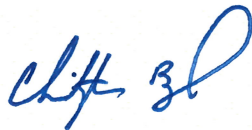
The Red Cliff Police Department includes 22 square miles and serves 1,500 residents and more than 290,000 visitors annually to the tourism rich Apostle Islands National Lakeshore. Although one of the smallest communities in the County representing only 10% of the County's population, the **Department responds to 20% of all calls in the County and makes 50% of the arrests.**

The projected FY22 base funding will support 3 tribal officers to manage this workload and Red Cliff **will not be able to comply with 25 CFR §12.34 at this funding level.** Unless able to secure additional rare BIA year-end one-time funds, competitive federal funding, or donations from other Tribes, the Police Department **will also not have the resources** to replace or repair aging patrol vehicles or other equipment and supplies needed.

By maintaining a strong police department, Red Cliff can 1) address the most serious tribal law enforcement needs; 2) increase the capacity of tribal law enforcement through prevention strategies, improved criminal investigations including human trafficking, missing, or murdered indigenous people, control of crime and illegal drugs such as methamphetamine and opioids; and 3) implement or enhance community policing strategies.

The BIA has failed to meet it's legal and fiscal obligation to provide public safety and justice programs to the Red Cliff tribal membership and jurisdiction through it's Trust Responsibility. Red Cliff is unable to fully enforce laws, maintain justice and order, and ensure Tribal members, residents and visitors are safe with a secure environment with the base funding curnnetly provided. As a result, Red Cliff pleads with you to **provide additional base funding** of \$500,000 annually that would allow the Police Department to maintain current policing levels and to consider immediate action on **H.R. 8387, Tribal Parity in Law Enforcement Act**.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Cliff Boyd".

Christopher Boyd, Chairman

A handwritten signature in blue ink, appearing to read "Richard Peterson".

Richard Peterson, Vice Chairman