

**House Committee on Natural Resources  
Subcommittee on Indian and Insular Affairs  
November 14, 2023**

**Tulalip Tribes Testimony**

**Opportunities and Challenges for Improving Public Safety in Tribal Communities**

Good afternoon, Chair Hageman, Ranking Member Fernandez, and members of the Committee. My name is Chris Sutter, Chief of Police for the Tulalip Tribes Police Department. On behalf of Tulalip Chairwoman Teri Gobin, we thank you for this opportunity to testify today on public safety in Indian country.

The Tulalip Tribes is the successor in interest to the Snohomish, Snoqualmie, and Skykomish people and allied bands signatory to the Treaty of Point Elliott of 1855. In the treaty, our ancestors reserved our inherent rights to sovereignty and self-determination as well as our inherent rights to fish at usual and accustomed grounds and stations and to hunt and gather upon all open and unclaimed land. The United States holds a trust responsibility to protect the Tribe's rights and interests as reserved in the treaty. The Tulalip membership continues to exercise these rights today. We are a fishing people. Fishing sustains us culturally and economically as it has since time immemorial.

The Tulalip community is located on a 22,000-acre Reservation bordering the Interstate 5 corridor, just 35 miles north of Seattle. The Tulalip Tribes membership consist of 5246 members. 40 percent of the Tulalip Indian reservation is in non-Indian fee status due to the history of allotments and over 10,000 non-Indian residents live on the reservation. The geographic location of the Tulalip Indian reservation, the non-Indian resident count, and the tribal economic development created by Tulalip drawing thousands of daily visitors has created the perfect storm for serious felony crimes on the reservation.

The Tulalip Tribal Police Department is a full-service police agency providing 24/7 service to our tribal and non-Indian tribal community, in addition to the thousands of visitors that enter the Tulalip reservation each day. Our officers enforce Tribal Laws, State Laws, and refer some of our most serious cases to the US Attorney's Office for Federal Prosecution. We have 59 commissioned law officers with Washington State Peace Officer certifications – giving our officers the authority to arrest and cite non-Indians under state law directly into state courts for prosecution. We have our own Drug Task Force, a Community Response Team, a Sex Offender Registration Unit, a Victims of Crime Services Coordinator, and a Dedicated Missing and Murdered Indigenous Women Task Force, in addition to a Fish and Wildlife division.

The Tulalip Tribes has been a leader in many areas relating to public safety and law enforcement in Indian County, and we continue to have many successes. But the ongoing disparities we face as a sovereign causes extreme strain on our ability to protect the people in our community.

Despite the robust nature of the Tulalip Police Department operations, we struggle with officer retention. In recent years, we have lost 50 percent of our officer workforce due to recruitment by state and local law enforcement agencies, putting extreme strain on our agency.

The Tulalip Police Department competes for the same qualified candidates other law enforcement agencies in our state. We invest a significant amount of training, time, and energy into new hires. This includes pre-academy training, Federal Law Enforcement Training at the BIA Indian Police Academy, post-academy training with our department, a four-month field training program, and finally, a two-week Washington State equivalency academy to become state certified. It takes officers nearly a full year to complete the training and certifications required for a new hire to operate as a solo police officer. However, with this extensive training and certification, our officers become highly sought after and recruited by outside agencies with attractive salaries and retirement benefits.

Tulalip is not the only tribal community with this challenge. I serve on the IACP Indian Country Section Committee, and at a recent meeting with Tribal Chiefs of Police from across the Country, the Committee identified recruitment, hiring, and retention of officers as one of our biggest challenges, directly impacting tribes' ability to address law enforcement needs.

H.R. 8387, the Parity for Tribal Law Enforcement Act, currently pending in Congress authorizes tribal law enforcement officers to opt into the federal officer pension and retirement benefits plan, extending tribal officers those same benefits that federal officers receive. We need this legislation passed to increase our ability to retain trained and skilled police officers, which will help us provide public safety for both tribal and non-Indian persons in our community.

We also continue to face jurisdictional challenges. Tribal court search warrants are often denied or ignored because federal law does not recognize tribal courts as a "court of competent jurisdiction" for purposes of requiring disclosure under the Electronic Stored Communications Act. This is especially harmful where tribal court search warrants are not recognized by off-reservation service providers such as Facebook, preventing tribal law enforcement from obtaining digital electronic evidence. A federal fix that recognizes tribal courts as courts of competent jurisdiction under the Act is needed. Without this, violent offenders escape apprehension and victims do not receive justice.

The Opioid Fentanyl Epidemic is also placing extreme external pressure on our police department and the tribal community. Tulalip has had over 60 tribal member deaths attributed to Fentanyl overdoses since 2018. Tulalip Tribal Leadership has declared an opioid state of emergency. In a search for solutions, the Tulalip Tribes recently hosted a national tribal fentanyl summit. This summit was attended by over 1,200 representatives of tribes, federal and state agencies, and members of Congress, where we discussed and shared strategies for helping Indian Country counter the disproportionate impact caused by the Fentanyl epidemic.

The fentanyl epidemic highlights the need for H.R. 8387. The recognition of tribal court warrants under the Electronic Communications Act for drug trafficking offenses would aid law enforcement in countering drug dealers who take advantage of the jurisdictional deficiencies on Indian reservations such as Tulalip.

This epidemic also highlights the need to expand special criminal jurisdiction to Indian tribes over non-Indians who manufacture or deliver controlled substances such as Fentanyl within reservation boundaries. The US Attorney's Office only accepts a small fraction of our drug trafficking cases. The FBI has told us they have limited staffing resources for assistance on felony drug trafficking activity on the Tulalip Reservation. As the Chief of Police, I feel that our Tribal Police Department has been left to battle against a wave of illegal narcotics and the Fentanyl crisis without adequate support from our federal partners. We need more support, legal tools, and funding to investigate, prosecute and incarcerate the perpetrators of these deadly criminal narcotics organizations.

We need Congress to support tribal law enforcement reform and parity for our police officers and tribal courts, further extend criminal jurisdiction over non-Indians, and increase funding. Criminals who prey upon the vulnerable know no boundaries. They freely enter tribal lands, commit serious crimes, and flee the reservation escaping justice because of the inequalities in federal law.