

**Testimony of Principal Chief David Hill, Muscogee (Creek) Nation**

**To: House Interior Appropriations Subcommittee**

**Date: March 8, 2023**

**RE: Muscogee Nation Views on Public Safety Funding Requirements for FY 24**

---

Chairman Simpson, Ranking Member Pingree, and Members of the Subcommittee, thank you for your invitation to testify here today on the views of the Muscogee Nation on the federal funding necessary to be allocated by Congress in order for the US Government to fulfill its treaty and trust responsibilities to protect public safety on our reservation in Oklahoma. Let me start off by saying how grateful the Nation is for the additional funding this Subcommittee has provided in the past two years as a down payment on the permanent commitment going forward by the federal government to provide the resources necessary to uphold its solemn trust and treaty obligations to the Muscogee Nation and other tribal nations in Oklahoma.

As you know, the consequences of over 100 years of usurpation of the rightful authority of the tribal/federal law enforcement on Oklahoma reservations has been the federal investment in building the public safety infrastructure on tribal lands has been a tiny fraction of what is now needed. Had Oklahoma not illegally exercised this authority, this subcommittee would have been building that infrastructure out on our reservation lands for many decades now. Instead, we are all in a position of trying to build out a century's worth of infrastructure in a few fiscal years. . We commend your leadership in recognizing that large investments are needed now in order to offset decades of neglect and aggressively addressing this situation in the FY 24 congressional appropriations cycle.

The resources now required to provide public safety for our reservation can be divided into two distinct categories – constructing public safety infrastructure, which require a significant up-front investment to compensate for decades of a much lower spending level precipitated by wrongful usurpation of jurisdiction, and recurring yearly expenses to operate our public safety system.

**Public Safety Infrastructure Investments:**

**Detention facilities** – \$80 million dollars are required for the construction of 8 regional tribal jails on the reservation. These facilities are needed to incarcerate individuals at multiple locations geographically distributed across the reservation to ensure convenient access for law enforcement officers and minimize the need for costly long distance prisoner transport. Currently the Nation is charged by Tulsa County the same rate as the United States Marshals are paying. This expense alone costs the Muscogee Nation an average expense exceeding \$300,000 per month. The construction of these facilities would have capacity to hold approximately 60 inmates for long terms of incarceration.

**Courthouses w/Police Station** – \$80 million dollars are required for the construction of 8 regional tribal courthouse facilities on the reservation. These would be geographically paired with the regional jail facilities for efficiency and convenience. The Nation is challenged by the

expansion of these Courthouses which will include police precincts and short term incarceration capacities.

**Mental Health Facilities** – \$27 million dollars are required for the construction of 2 mental health facilities for the incarceration of individuals requiring mental health evaluation and treatment, both pre-trial and post-conviction. These facilities would also be available to provide training and support for our tribal police officers in violence interruption, de-escalation, and other techniques for increasing the likelihood of successful interactions with suspects/individuals with mental health problems.

**Juvenile Detention Facilities** – \$24 million dollars are required for the construction of 4 juvenile detention facilities on the reservation. These facilities are absolutely necessary to separate young offenders from older, hardcore criminals and to focus on the rehabilitation and diversion of youthful inmates away from crime and other destructive lifestyle choices.

### **Public Safety Recurring Expenses**

**Tribal Police Force** – According to the Bureau of Indians Affairs, Office of Justice Services (OJS) and the American Community Survey estimates of the American Indian and Alaska Native population on the reservation, the Muscogee Nation must maintain a police force of 312 full time equivalents (FTEs). To achieve this level of operation, OJS estimates that nearly \$34.4 million is required on a recurring basis for increased personnel, equipment, and other operational costs. These expenses are for recurring costs, however, and do not represent the one-time costs to build infrastructure or acquire existing infrastructure to support operations. Clearly, significant investments are necessary, because MCN is responsible for all facets of law enforcement within a reservation that is larger than New Jersey and includes the second largest city in the state of Oklahoma.

We are currently underfunded or will be when certain federal grants expire in areas such as: or supplemental funding request of **\$2,402,078** to support grant funded officer salary. Additionally, an immediate need and funding shortfall for:

- 30 vehicles (\$1,860,000 @ \$62,000 per vehicle)
- 65 patrol officers (\$3,327,285 @ \$51,189 per officer)
- SWAT Equipment and 20 SWAT Officers (\$1,118,620 @ \$55,931 per officer)
- 10 investigators (\$593,420 @ \$59,342 per investigator)
- Dive Equipment,
- 5 additional K9s and officers (\$279,655 @ \$55,931 per officer)
- 4 probation officers for DV cases (\$204,756 @ \$51,189 per officer)

For these projected unmet needs, there is a total of **\$5,523,736** in salaries and wages, **\$2,982,817** in fringe benefits and **\$1,860,000** in vehicle costs. I left out the equipment costs as I did not receive any cost estimates or quotes related to those needs. Altogether, this is an estimated total need/shortfall of approximately **\$11 million** for SG police services.

**Jail/Detention Services-** as the Nation moves forward with its plans to build or acquire facilities to detain prisoners we will encounter the recurring expense of staffing the facility(s) and we estimate this expense to be approximately \$20.6 million dollars annually. The detention expenses have never been included in Federal funding.

**Tribal Court System** – Just as law enforcement needs have grown, so too have the needs of tribal courts. Using the OJS report, MCN estimates that an additional \$40 million is required to support expanded responsibilities of tribal courts. Since July of 2020, MCN has seen dockets in tribal court quadruple, without any additional funding to support efficient and professional disposition of cases that now must be adjudicated under tribal and federal law.

**Indian Child Welfare Act (ICWA) Program** – We calculate that \$30 million in additional funding will need to be provided to tribes in Oklahoma for the ICWA program. MCN invests more than \$2 million dollars of tribal revenue to provide ICWA services to MCN families and state and county governments. In FY20, MCN’s ICWA program provided services to more than 1800 Indian Children, please an average of 253 Indian Children in homes per month, and investigated 1,452 reports of child abuse/neglect. MCN has seen ICWA cases increase more than six time over compared to just five years ago without any additional resources from the federal government. Additional financial resources are needed. Social workers in our community are critical to ensuring the safety and well-being of MCN youth and prosperity of families. Additional, resources are critically needed to increase the number of Indian foster families and homes and to focus on risk prevention earlier in the case process.

In closing, we greatly appreciate the opportunity to present these views of our needs to you as part of the FY 23 appropriations process. Congressman Cole has consistently supported Tribal sovereignty and respected the unique government-to-government relationship Tribes have with United States. Reaffirmation of the MCN reservation following the *McGirt* decision once again calls our two nations together to make decisions in the best interest of the MCN, all citizens (Indian and Non-Indian) of our tribal reservation, and the United States of America. We stand ready to assist you in your efforts to fully fund the Muscogee Nation and other Oklahoma tribal governments to provide the core public safety services that will protect our reservation and allow United States, Muscogee citizens, and all our other friends and neighbors living within it to prosper.

## **VAWA**

The Muscogee (Creek) Nation’s Center for Victim Services served 636 victims/survivors in 2022, 575 of which experienced VAWA-related crimes. The Nation continues to dedicate substantial resources to strengthening collaborative responses to crime on the reservation.

Partnerships amongst the Nation’s victim service program, Center for Victim Services (CVS), Lighthorse Tribal Police Department (LHP), tribal Prosecutors from the Nation's Office of

Attorney General, tribal forensic nursing program, as well as communications with the Nation's District Court and other entities are all critical to improving the Nation's criminal justice response.

Many of these offices engage monthly for a High-Risk Team meeting to staff high-lethality cases and develop strategies for increasing victim safety and offender accountability. The Nation is engaged in a number of projects to enhance collaborative and effective responses on the reservation including development and implementation of the following: specialized domestic violence docket, child/family advocacy center, domestic violence shelter, expand probation services, extensive work to revise and strengthen tribal codes and on-going capacity building throughout the tribal criminal justice system. The Nation's large reservation requires substantial resources to address and effectively respond to public safety needs. Additional funding of \$60 million would allow for the construction of facilities that would allow us to fully administer VAWA and protect the our women and children from violence.

**Other self-governance needs-** the Nation performs a number of functions related to self-governance contracts and these functions have grown. We are funded at what we consider to be deficient levels for a number of positions and the amount of underfunding for FY23 was approximately \$400,000.

There are other areas of consideration, such as Realty Trust services, Federal Roads and Natural Resource Management.

One exciting area I would highlight in natural resource management is an opportunity where we believe that we can aid the federal government in delivering its services through a historic co-management of certain National parks or Public lands within the Nations Reservation and in the Ancestral Lands of the Muscogee People. We are currently working with a several Members on this project and expect legislation will be introduced soon. Our cultural and historical expertise on our Nation's past is unmatched, and by placing us in a co-management position with the National Park Service, we can help the NPS save taxpayer dollars while simultaneously improving the experience of park visitors.