

Stockbridge-Munsee Community

BAND OF MOHICAN INDIANS

TRIBAL COUNCIL OFFICES

**WRITTEN TESTIMONY ON H.R. 8387
House of Representatives Indigenous People's Subcommittee
September 14, 2022**

Thank you for this opportunity for the Stockbridge-Munsee Community to provide testimony on H.R. 8387, Tribal Parity in Law Enforcement Act, which includes language addressing inequity related to retirement benefits for tribal law enforcement officers. This bill amends the Indian Law Enforcement Reform Act to provide parity between benefits received by federal officers and tribal officers as they provide comparable law enforcement services under Public Law 93-638 self-determination contracts or compacts where Indian Tribes fulfill federal law enforcement functions in Indian country. In recognition of the comparable role, the amendment would allow tribal officers to be deemed federal officers in a number of areas, including for the purpose of access to civil service retirement benefits under subchapter 83 of title 5 of the United States Code.

This change in federal law would provide critical support for the continued viability of the law enforcement departments for tribes like the Stockbridge-Munsee Community. The Stockbridge-Munsee Community is located on a rural reservation that is located within Shawano County, Wisconsin. It has a 6-officer tribal police department and receives federal law enforcement funding for its department under a P.L. 93-638 contract. While the tribal police department is organized under tribal law, the Stockbridge-Munsee Community also obtained certification from the State of Wisconsin for its department since Wisconsin is a Public Law 83-280 state. Additionally, as the reservation has checkerboard landownership in areas, the Stockbridge-Munsee Community has a law enforcement agreement with Shawano County providing for the county sheriff to deputize tribal officers.

The reality of providing an effective law enforcement regime for people living on and around the Stockbridge-Munsee reservation – having state-certified officers who are cross-trained and deputized by the county sheriff – also means those officers have a great deal of flexibility to seamlessly move to a new job within the Wisconsin law enforcement system. The Stockbridge-Munsee Community has found that it has become a training ground for new police officers. It has taken approximately a year to fill recent job openings and 1 position currently remains vacant. For 4 of the current 5 tribal officers, this is their first law enforcement job after completing the police academy. Additionally, over the past 10 years, the Stockbridge-Munsee Community had 12 officers leave to take employment with a county or municipal police department within a relatively short period after they completed training.

From speaking with officers about their decision to move to a new job, the Stockbridge-Munsee Community has found that one common reason officers leave is that they are able to participate in the Wisconsin pension system when they work for a county or municipal government. The Stockbridge-Munsee Community has explored development of a tribal pension system for law enforcement in the past, but the economic realities of having a stand-alone pension system would be too much of a financial burden for the tribal government. Instead, the Stockbridge-Munsee Community did what it could afford by authorize a higher governmental match for its tribal law enforcement officers participating in its 401(k) plan. The enhanced 401(k) match does provide officers with additional support toward retirement benefits, but, it does not provide the same level of security for retirement in order to compete with inclusion in the state pension plan.

The proposed amendment would greatly assist the Stockbridge-Munsee Community with retaining tribal law enforcement officers by permitting them to participate in the federal civil

service retirement benefits program. It would allow tribal law enforcement departments to have a retirement benefit that is similar to that being offered through the state pension system. We therefore strongly support this change in federal law.

