

**TESTIMONY  
OF  
IVAN D. POSEY  
SHOSHONE BUSINESS COUNCIL  
EASTERN SHOSHONE AND NORTHERN  
ARAPAHO TRIBES  
WIND RIVER INDIAN RESERVATION, WYOMING**

**UNITED STATES SENATE  
COMMITTEE ON INDIAN AFFAIRS  
TRIBAL LAW AND ORDER ACT: ONE YEAR  
LATER  
HAVE WE IMPROVED PUBLIC SAFETY AND  
JUSTICE THROUGHOUT INDIAN COUNTRY**

**SEPTEMBER 22, 2011**

**Good afternoon. My name is Ivan D. Posey and I currently serve on the Eastern Shoshone Business Council and the Eastern Shoshone and Northern Arapaho Business Council of the Wind River Indian Reservation. Our reservation is located in west central Wyoming and consists of 2.2 million acres. It is an honor to provide testimony on the Tribal Law and Order Act to this distinguished committee which includes our honorable Senator from Wyoming, John Barrasso. I understand Senator Barrasso will not be here today as he is attending a funeral in Wyoming for our late Senator, Malcolm Wallop.**

**As you are aware the Tribal Law and Order Act was signed into law by President Barrack Obama on July 29, 2010. This act gave unprecedented authority and responsibilities to tribal courts and enhanced public safety in Indian Country. Although not fully implemented on the Wind River Indian Reservation, the act will definitely have positive effects in reference to public safety, sentencing and coordination of various agencies to address age old problems that have existed in Indian Country for way too long.**

**Let me start today by sharing with the committee some information regarding our tribal court system and law enforcement on the Wind River Indian Reservation. In 2010 the Wind River Indian Reservation was selected as one of four reservations to participate in the HPPG (High Performance Priority Goal), a Presidential Initiative to address high crime in Indian Country. Along with this initiative came additional funding for our Bureau of Indian Affairs Law Enforcement and our Tribal Court system. This additional funding allowed for several more officers, from six officers to twenty two currently, and more personnel in our tribal court system.**

**The main reason the Wind River Reservation was selected was because of our high crime rate. Like many reservations we were plagued by murders, drug trafficking, white collar and violent crime. Though the initiative is showing promise on our reservation, there are many other reservations throughout Indian Country that continue to experience the same issues regarding personnel staffing and inadequate funding.**

**The Wind River Indian Reservation and surrounding area has several law enforcement agencies and court systems that sometimes create jurisdictional questions and enforcement. Although relationships have improved over the years, there still exists the need to work cooperatively to address public safety in the Wind River.**

**We have seen over the years our federal law enforcement agencies cooperate and address the problems that exist on our reservation. One example is the multi agency effort to dismantle and arrest individuals involved in a major drug ring in 2005. This effort was a major example of federal, state and local law enforcement cooperation in making our community safer. In section 211 of the Tribal Law and Order Act it would authorize Bureau of Indian Affairs Law Enforcement officers to make warrantless arrests based on probable cause. Although there will be concerns in this approach it will be more effective than the current system which allows reasonable cause for arrests. This process usually takes valuable time. Other parts of this section includes communicating with tribal leaders and community on a regular basis. This has to happen for this Act to be effective.**

**Our tribal court system consists of a Chief Judge, Honorable John St. Clair, and two associate judges, Richard Ferris and Edward Miller. Judge St. Clair has been with the Shoshone and Arapaho court system for over 20 years and holds a Juris Doctorate from the University of Wyoming. The associate judges have several years combined in administering justice on the Wind River Reservation. Our Shoshone and Arapaho Law and Order Code requires individuals to pass the tribal bar exam to practice in our court.**

**Over the years there has been cooperation and coordination between our court system and the U.S. Attorney office. Until recently our court system has operated without a public defender and individuals have had to defend themselves or ask for services through legal aid. Although we now have a tribal public defender the caseload continues to increase. The continued effort of having the U.S. Attorney assist our tribal prosecutor in addressing violent and other serious crimes, and the prosecution of these crimes, will allow our court system some relief in an already overwhelmed system. Tribal liaisons within the U.S. Attorney offices are key to follow up and monitor cases in our court systems.**

**The Wind River Tribes welcomes the increase in tribal court sentencing as outlined in section 234. The act created a pilot program through the Bureau of Prisons which allows them to accept offenders convicted in tribal courts. Although the Bureau of Prisons met this requirement of the act late last year, it is my understanding no tribes have utilized this program.**

**In relation to section 235, we are also pleased that there has been a Indian Law and Order Commission established and chaired by Troy Eid, former U.S. Attorney for the State of Colorado. We look forward to future field hearings and contributing to this important effort.**

**Over the years Indian Country has seen increasing violent crimes against women and children. The Wind River Reservation has seen these numbers increase over the years as well. With the implementation of HPPG, violent crime has dropped on the Wind River Reservation although there continues to be murders and violent crimes. Of these violent crimes, alcohol is involved in close to 100% of these crimes. The efforts to create and enhance programs dealing with domestic violence and victim support systems will help our tribal community tremendously.**

**Section 241 reauthorizes the Indian Alcohol and Substance Abuse Prevention and Treatment Act. It would allow programs for developing shelters for youth and alternative sentencing such as drug court and a long term plan for detention facilities. There needs to be more focus on juvenile justice in Indian Country. From truancy to more serious crimes that affect a segment of our tribal youth, a effective system needs development to deter our young people from a path of serious crime and detention to a future of hope and promise.**

**Section 241 (a) The Substance Abuse and Mental Health Services Administration will establish and appoint a director of the Office of Indian Alcohol and Substance Abuse. This position will coordinate efforts for interagency coordination. I am pleased that progress has been made in this area, from establishing a interdepartmental workgroup and director to address this devastating problem in Indian Country.**

**The Tribal Law and Order Act will have positive effects in Indian Country, many aspects of the act are being implemented and some are moving forward. With the contribution of Tribes, with our first hand account of the many jurisdictional and cooperation efforts, some promising and some bad, this act will bring safety to our tribal communities. I am pleased that this act will address issues and concerns that have existed on the Wind River reservation for too long.**

**In addressing our ability to govern ourselves as sovereign nations, and assisting us in our ability to create or enhance public safety from our youngest babies to our oldest elders, we are prepared to do our part to implement this act for our nation.**

**Thank you for allowing my testimony.**

**Hou Wee Hou and Hao Ho**

**Thank you and GOD bless you.**