

# INDIAN LAW AND ORDER COMMISSION

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Honorable Chairman and distinguished Commissioners, I would like to thank you for the invitation to appear before the Commission. It is my honor to provide testimony today regarding Law Enforcement in Indian Country from a California Perspective, in particular Riverside County.

My Name is Lyndon Ray Wood. I am a lieutenant with the Riverside County Sheriff's Department and have been with the Department for the past 22 years. I am the unit manager and member of the Sheriff's Tribal Liaison Unit. I have been part of the Tribal Liaison Unit since it was created by Riverside County Sheriff-Coroner Stan Sniff more than three years ago.

The creation and development of the Tribal Liaison Unit has had a significant impact on the Riverside Sheriff's Department. The Unit has caused a dramatic change in the Department itself and in the many tribal communities the Department serves. As the Tribal Liaison Unit has progressed, we have seen increased communication and improvement in law enforcement services in our local tribal communities. The experiences of the Tribal Liaison Unit are tools state

and local law enforcement agencies with responsibilities for providing law enforcement services in California's Indian Country could greatly benefit from.

Before I share my thoughts and comments with you, I would like to provide an overview of the County of Riverside and the Riverside Sheriff's Department.

Riverside County is the fourth largest of California's fifty-eight counties in both population and sheer land mass. The Riverside Sheriff's Department is the second-largest Sheriff's Department in California, managing five correctional facilities, Coroner-Public Administrator duties, and providing court services. The Sheriff's Department provides law enforcement services across 7,300 square miles, including the policing of 17 of the 27 incorporated cities in Riverside County.

There are also twelve federally recognized tribes situated within Riverside County's Indian Country. As you know California is one of six states mandatorily subject to federal Public Law 83-280 (PL 280), giving the Riverside Sheriff's Department the responsibility of providing state law enforcement services to the Native American citizens on those twelve reservations. The twelve Indian Nations in Riverside County are spread across the County's 7,300 hundred square miles, with six of the Sheriff's ten patrol stations providing service to one or more reservations.

Each tribal nation is as unique and diverse in its people and level of development as it is in its own tribal law enforcement abilities and needs. The level of tribal law enforcement on the twelve reservations in Riverside County ranges from having no tribal law enforcement at all, to having a fully-functioning tribal police department and criminal justice system, with varying degrees in between.

To begin my discussion of the challenges faced by state law enforcement in California's Indian Country, specifically Riverside County, we need to look back to a period in time around mid-2008. At that time, communication, understanding, and partnership were basically non-existent between the Riverside Sheriff's Department and all of the tribes in the County. The lack of relationships created a very negative perception and a lack of trust of the Sheriff's Department. The situation continued to deteriorate and finally boiled over after a series of violent confrontations between tribal members and sheriff's deputies on one particular reservation. In response, the tribal government of that nation took action to close

the borders of the reservation and refuse access to the Sheriff's Department. After weeks of heated legal debate over Public Law 280 and sovereignty, extremely high tensions eased slightly and the two sides were able to begin discussions to improve the situation.

It was at that time Riverside Sheriff Stan Sniff realized the level of service being provided on each of the Indian reservations and the communication level with each of the tribes was not acceptable. To resolve these issues, the Sheriff created the Tribal Liaison Unit and tasked the Unit with building trust and partnerships between the Department and the tribal communities of Riverside County's Indian Country.

### **Tribal Liaison Unit Efforts in Indian Country:**

The Tribal Liaison Unit, which was comprised of a sheriff's lieutenant, a sheriff's investigator, and a civilian employee, went to work on a fact finding mission in Indian Country to determine what the perception of the Sheriff's Department was and what problems and issues needed to be addressed. The learning began almost immediately.

In talking with tribal leaders and community members, the Unit learned of the uniqueness of each tribe and that each tribe had different service needs.

Further conversations with the native people made it apparent they had a lack of understanding of California law enforcement and the Riverside Sheriff's Department. Most of the stereotypes the people had were formed by what they had seen on television or by the negative encounters they had heard about from a friend or family member. It was also very clear there was a high level of resentment and mistrust stemming from decades-old government policies and tragic events.

We learned many in the tribal communities viewed the Sheriff's Department as an occupying force, with little understanding why sheriff's deputies do the things they do, and why criminal investigations are conducted the way they are. There was little understanding of the training, the standards, and the professionalism of California peace officers. One of the most remarkable beliefs tribal community members had about the Department was that deputies could just go onto the reservation and do anything they wanted, and if a situation arose, deputies could

use any level of physical force against a tribal member and then just leave once the situation was resolved. The belief was deputies did not have to justify their actions, there was no accountability, and the members of the tribal community could not do anything about the behavior or actions of deputies.

The Tribal Liaison Unit was also surprised to learn of the resentment and the mistrust the communities had regarding the Sheriff's Department; however the Unit soon began to understand the basis for these feelings. Most of the tribal elders had grown up learning of the Extermination Policy of the United States from their parents and family, who had lived through those times. Many of those elders were also products of, or had experienced, the Assimilation Policy. Those who had been taken away and placed in boarding schools or in foster care don't have warm feelings for government. The Unit also found that the younger adult generation who had been raised by those same elders, had been taught as children to run and hide anytime a strange vehicle or person came to the reservation out of fear it was the "government" coming to take them away, or worse. The members of the Tribal Liaison Unit had never heard details like these. The information gathered provided a much better understanding of how little historic information is taught to state peace officers regarding Indian Country.

The fact finding mission also caused the Tribal Liaison Unit to explore the legal aspects of policing Indian Country. The Unit examined PL-280, Tribal Sovereignty, and many other areas. The Unit also looked at the level of training given to Riverside Sheriff's deputies, and all California peace officers, providing law enforcement services to Indian lands in California. The Unit discovered there is virtually no Indian Country training provided to state and local peace officers; however it was expected that those same officers provide quality law enforcement services to Indian Country throughout California.

At the conclusion of the fact finding mission, the Tribal Liaison Unit realized the problems in Riverside County's Indian Country were two-sided, and work to solve the problems between the Sheriff's Department and the tribes had to be done to both sides.

The Unit then built training curricula for both the Department and the tribal communities. The goal was to give each side a better understanding of the other, to

build partnerships, and to work toward a higher level of Department service and an improved quality of life on each of the reservations.

The first course the Unit designed was a three-day course for tribal leaders and community members. The course is titled, “Law Enforcement Orientation for Native American Communities. During the course, attendees are given an overview of the California Criminal Justice System, and the evolution of law enforcement. The course then provides an overview of the Riverside Sheriff’s Department. Attendees are shown the Sheriff’s Department is much more than just the deputy they see in a black and white patrol vehicle. The Corrections, Coroner, and Court Services Divisions are also discussed. The goal is to provide attendees with a better understanding of how large the Sheriff’s Department is and how many functions it maintains.

The course also covers Department personnel. The hiring process is discussed and examines the background, psychological, medical and polygraph phases of the screening process. The course further covers the training each deputy sheriff receives, from the basic academy through the field, corrections, or courts training once he or she arrives at his or her assignment after basic training.

After Personnel, the course teaches attendees about Department policies and standards, and how Department members are held to those standards. The discipline process is discussed so attendees understand Department members can be disciplined for misconduct. The attendees are then shown the Department has a complaint process, how to use it, and how complaints against Department members are taken seriously and investigated thoroughly. It is emphasized that the Department is public service organization and will not tolerate poor service to the communities or people it serves. The policies and standards portion of the course concludes with discussing the importance of community trust in a law enforcement agency.

The third and final day is spent at the Sheriff’s Training Center. At the center attendees learn about the various levels of force used by law enforcement officers, up to and including lethal force. The day concludes with attendees voluntarily participating in the “Force Simulator,” which uses interactive video scenarios and

lasers to put the attendees in the role of a law enforcement officer having to make split-second use of force decisions during critical incidents.

The Tribal Liaison Unit hosted the inaugural “Law Enforcement Orientation for Native American Communities” at the Sheriff’s Training Center, however after the first course was completed information about the course was spread by tribal leaders and community members who had attended and offers soon came in from tribal leaders from across the County to host the training on their reservation. Several “Law Enforcement Orientation for Native American Communities” courses have been presented since, and each has been on a different reservation. The response from attendees has been extremely positive, and most leave the class saying they have a much better understanding of the Sheriff’s Department and a better appreciation of the job deputies do.

### **Tribal Liaison Efforts in the Riverside Sheriff’s Department:**

During the initial fact finding mission, throughout every “Law Enforcement for Native American Communities” presentation, and with every conversation with a tribal leader or community member, the Unit was discovering just how little the Riverside Sheriff’s Department knew about Indian Country.

The lack of knowledge wasn’t just about the complex issues of each tribe, or even about current legislation regarding Indian Country. The fact was that there was a lack of the basic knowledge essential for California law enforcement in Indian Country. There was no understanding of the legal, historical or cultural aspects of providing state or local law enforcement services to a Native American community.

The common belief by deputies was that an Indian Reservation was just another unincorporated county area, and all state law was applicable there. There was no understanding of sovereignty or concurrent jurisdictions, and there certainly was no understanding of how significant history and culture are to Native people.

The Tribal Liaison Unit realized there was no training provided to California peace officers regarding Public Law 280 or other legal, historical, or cultural information that greatly influences a state peace officer’s ability to provide service in Indian Country.

The Unit found that a common scenario had been playing out over the years around the County on different reservations. The scenario was a deputy would arrive on the reservation in response to a call for service and was confronted by a tribal member telling him the reservation was a sovereign nation and the deputy had no right to be there. The tribal member would also tell the deputy his laws were no good on the reservation. The deputy would have no ability to respond or understand the comments made by the tribal member, nor would the deputy understand why there was so much resentment and mistrust.

In an attempt to overcome this lack of knowledge, the Tribal Liaison Unit created a training course for the Riverside Sheriff's Department titled "Policing Native American Communities." The Unit began teaching this course, and to date has trained more than three thousand Department members in the Field Operations, Court Services, and Corrections Divisions. Additionally, the course is presented to new deputy sheriffs entering the Department before they reach their assigned duty location. Veteran deputy sheriffs who had been providing service on reservations for years were shocked to learn how little they knew. Deputies, and supervisors, admitted they would have done things very differently had they been better educated about policing Native American communities.

As the Unit continued presenting the training to Department members, other law enforcement agencies learned of the course and asked if they could participate. Soon deputies and officers from surrounding sheriffs and police departments were attending the training, and in each instance were very surprised to learn how little they really knew about Native American history, culture, and even the laws pertaining to Indian Country.

Through education, the Tribal Liaison Unit has been able to change the Riverside Sheriff's Department and improve the level of service provided to the tribal nations within Riverside County. As a result, we are continuing to strengthen our government to government relationships with the tribes and our partnerships with the tribal communities we serve. We are working together toward improved quality of life and increased public safety on the reservations.

## **Conclusions:**

For years California peace officers have been tasked with providing law enforcement services in California's Indian Country as a result of Public Law 280, But California's peace officers have been doing what was asked of them without the basic knowledge and understanding of Indian Country they need to do the job well.

A perfect example of the lack of training for state peace officers providing service on tribal lands is my own personal story:

I graduated from the basic training academy in 1990 and was assigned to patrol at our Hemet Station. At the Hemet Station I underwent a sixteen-week field training program. Upon completion, I was fully-trained deputy sheriff working patrol at the Hemet Station. Incidentally, Hemet Station provides service to four Indian reservations; however I, nor had anyone I worked with, ever given any type of training for policing Indian Country. Over the next two decades I worked in various assignments at various ranks, and on occasion found myself working on various reservations across the county. Still, I had no training regarding Indian Country.

Over the years, I promoted through the ranks and became a Department mid-level manager and it was not until I was I was fortunate enough to be selected as the Department's Tribal Liaison, and out of necessity, that I began learning about Indian Country.

Before becoming the Tribal Liaison, I had never been taught about PL-280, I had no idea of what tribal sovereignty is, and I had no understanding of what an Indian reservation is, or that there are limits to California law on the reservation.

I had no historical or cultural knowledge. I didn't know there had been an Extermination Policy, a Relocation Policy, or an Assimilation Policy. I didn't know Indian children had been taken from their families, I didn't know of boarding schools or foster care. I didn't know of the many things that had happened in the past that could very easily make Indian people fear and resent what I represented when I was on the reservation doing my job, the fact was, I represented government.



I found it hard to believe how little I knew, but it became more and more apparent as I spoke to the other members of the Unit, and as we began presenting our material around the Department and to outside agencies, I wasn't alone. It was virtually the same for everyone. No one knew much about the legal, cultural, or historical aspects of policing Native American communities, but they were tasked with providing service to Indian Country.

There is another problem facing state and local law enforcement in California's Indian Country. It is the lack of understanding tribal leaders and members have of the California Criminal Justice System and of the role state or local law enforcement agencies have on tribal lands. There is a strong misconception that the law enforcement agency is an "invading or occupying force" imposing itself upon the tribe and continuing the terrible practices of the past. There is also the belief that the state or local law enforcement agency is trying to infringe on the tribe's sovereignty. These feelings result in a reluctance to seek assistance from state law enforcement due to fear and resentment, greatly limiting Justice in California's Indian Country.

As long as California peace officers continue to provide mandated service in Indian Country, we will continue to experience gaps between tribes and the local law enforcement agencies that serve them unless we address the lack of training and education that exists. We must bridge the gaps between the individual tribal members needing law enforcement services and the state peace officers providing that service to tribal communities. Improvements can only be made when trust exists, relationships are formed, and partnerships are built between the tribes and the local law enforcement agencies.

With better understanding and partnerships, law enforcement and tribal communities can work together to insure better service, increased justice, and an improved quality of life in Indian Country.

### **Recommendations:**

- 1) Every state/local law enforcement agency directly serving a Native American community should implement a Tribal Liaison program.

- 2) Mandatory training programs regarding the legal, historical, and cultural aspects of policing Native American communities should be implemented for all California peace officers working in Indian Country.
- 3) Community based training programs similar to the Riverside Sheriff's "Law Enforcement Orientation for Native American Communities" program should be developed state-wide to help tribal communities better understand state/local law enforcement and its role in California's Indian Country.
- 4) Federal funding should be considered to assist in the development and maintenance of such programs.

Thank you again for your invitation to appear before you today and provide testimony regarding Law Enforcement in Indian Country from a California Perspective.