

Testimony
of
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Tohono O'odham Nation
Tribal Law and Order Commission
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Good morning, members of the Tribal Law and Order Commission I appreciate the opportunity to appear before you to present the views of Tribal Law enforcement in the State of Arizona. I am Edward Reina, Jr. Director of Public Safety for the Tohono O'odham Nation.

I first want to explain ICIN, the Indian Country Intelligence Network. ICIN is an Association of Tribal Police Chiefs in Arizona that meets consistently to exchange information, provide training and discuss issues and problems common to Indian Country Law Enforcement. The FBI, US Attorney's Office and State regularly attend our meetings. We also serve as an Advisory Body to the AZ Chiefs of Police and AZ Peace Officer Standards Training Board.

What I will discuss is how we work with the State of Arizona in a couple of areas, first on a day to day basis and second what we are working on to enhance information sharing within Indian Country and the State. But understand that what I present applies generally to most of the tribal Police agencies in Arizona but more specifically to the Tohono O'odham Police Department.

I will also present what I believe are promising practices that can help reduce crime and violence and improve the quality of life in our Communities. I will present programs that we have implemented on the Tohono O'odham Nation.

State of Arizona a Model of Cooperation in Indian Country & MOA's

I believe that the State of Arizona is a model of how states should work with Indian Country. The state under Arizona Revised Statutes 13-3874 authorizes Tribal Police who meet the qualifications and training standards under Arizona Peace Officers Standards and Training (AZ POST) to exercise all law enforcement powers of peace officers in the state. Tribal Police also participate in the State Peace officer Retirement System. This Peace Officer authority not only assists the Tribal Governments it also adds more Peace Officers to the State. Imagine if State Police had to patrol or respond to calls in Indian Country and the numerous state highways that cross Indian Country.

But to effectively protect all of the citizens of Arizona MOA's remain necessary for assistance and or for joint operations. A unique MOA is the Tohono O'odham Nation agreement with the City of Florence, to provide Law enforcement Services to the Village of Florence. The agreement states in part that the City of Florence Police Officers " who are deputized by the Bureau of Indian Affairs with a Special Law Enforcement Commission, and have been trained by the Nation, shall provide police services within Florence Village to the same extent as they provide police services in the town of Florence."

Hot Pursuits, Extradition

In incidents where a hot pursuit enters the community most Tribal governments have extradition laws. But this is only necessary when a State agency pursues an Indian suspect onto our lands. The pursuing agency must comply with our code and processes the necessary paperwork to extradite the offender. On occasion a state agency may try to take the Indian offender without going through the legal process. This was a major problem a few years ago, but to minimize this practice, on or about 2005, ICIN developed a video on Indian Country Law Customs and Traditions for AZ POST. This video was provided to all the State and local agencies in the State. Although there may still be incidents, this type of education helps to minimize the misunderstandings that occur when there's interaction between Tribal, State and local agencies.

State Peace officer Authority-Jurisdiction

Because of our state Peace officer certification we are able to arrest all offenders, regardless of their race and cite them into the respective court, depending on the type of crime and the location of the offense. Example if a non-Indian is arrested for a drug violation Tribal Police, with their authority as a State Peace Officer, will file charges with the County Prosecutors. If an Indian commits a similar crime the Officer files the charge with the Tribal Prosecutor. The difficulties occur when we have victim crimes. For example if the offender is non-Indian and the victim is Indian neither the State nor the Tribe have jurisdiction. But if a Indian commits a similar crime and the victim is non-Indian the Indian is charged under our Tribal Code. An unfortunate unequal system of criminal justice.

So how do we handle these types of crime? We use the Federal - Central Violations Bureau, a Federal Court the handles petty offenses. We use this for a variety of offenses but primarily it is used for Domestic Violence cases. But we can only charge simple assault. This is a band aid approach to our jurisdictional limitations, but it's all we have to work with for now.

Funding

Funding Issues are certainly a concern including acquiring equipment and hiring additional officers. BIA 638 funds have never been enough; and our Tribal Funds have been decreasing. We have come to rely on the COPS grant to acquire vehicles and other support equipment. This year we did not receive grant, so we're scrambling to acquire vehicles and other equipment.. It's necessary that the COPS program continue to be a resource for us.

Interaction with federal Agencies

We have an excellent relationship with the federal Agencies, including the FBI, US Attorney's Office and our DHS partners, Immigration Customs Enforcement, Border Patrol the DEA, ATF, and BIA Law Enforcement. An example of this cooperation was a major cocaine suppression operation led by Tohono O'odham Police that occurred in May of 2010 when several major Federal Agencies including DHS agents from the U.S. Border Patrol, U.S. Immigration and Customs Enforcement, the BIA, the FBI.; U.S. Alcohol Tobacco Firearms, the Arizona Counter Terrorism Information Center (ACTIC), the Pinal County Sheriff's Office, and Tempe Police Department, assisted TOPD in arresting 10 people and searching seven homes in Sells on the Tohono O'odham Nation

Information Sharing, Tribal Fusion Center

A major program we are working on in cooperation with Inter-Tribal council of Arizona, and the State of Arizona Counter Terrorism Information Center (ACTIC) is Indian Country incorporation as an active participant with ACTIC, the State Fusion Center. We worked with ACTIC to train 14 Tribal Police Officers to develop our own Tribal/ Indian Country Fusion Center to be housed in the ACTIC facility in Phoenix.

On the Tohono O'odham Nation we developed our own Fusion Center the Tohono O'odham Information Center (TONIC). We have partnered with ACTIC and other Federal Agencies, FBI, ICE and Border Patrol, to assist us in this effort. With grants we received we hired an Information analyst and will soon hire another. Our long range goal is to develop an Indian Country Fusion Center. But we first want to fully develop TONIC on the Tohono O'odham Nation.

We took the idea to the ITCA Tribal Leadership in Arizona and received unanimous support, to develop the concept. We've developed a strategic plan, with help from ITCA staff and report our progress to the ITCA Tribal Leadership at their quarterly meetings. Why an Indian Country Fusion center? We found its necessary for several reasons, first the State does not have data or criminal information on our offenders, and second Indian Country is viewed by criminal offenders as a lawless gap in the system, because of the jurisdictional issues and the generally low number of Police Officers working in Indian country. Also Tribal offenders realize that they can travel from one Tribal Community to another to hide, commit crime link with other offender's without being concerned about being identified as a criminal offender. Also because of sovereignty and jurisdictional concerns Tribal Governments are more likely to participate if the Fusion Center is specifically, controlled and staffed by Officers and personnel from Indian Country.

Promising Practices

On the Tohono O'odham Nation the Department of Public Safety, primarily Law enforcement,, begin a Multi-disciplinary approach, or a Prevention Coalition to address the multitude of problems that contribute to the violent crime and disorder on the Tohono O'odham Nation.

The Prevention Coalition includes representatives, from DPS, Law Enforcement, Judicial, Education, Department of Health and Human Services, Housing Authority, Schools, Faith Based Community, Federal Agencies including the FBI, BIA, DEA, Customs and Border Protection, District Council Chairs and Citizen Volunteers.

Previous to establishing the Prevention Coalition each department was providing services individually that on occasion were overlapping and duplicated services provided by another agency. We recognized we had to organize our services, so we developed the Prevention Coalition. The result is we've strengthened services, provided additional resources for our service providers to ultimately improve services for our people.

We meet monthly to coordinate services and identify areas of concern. There are five sub-committees 1) Community Policing 2) Community Restoration 3) Prevention Intervention and Treatment 4) Environmental Work group and 5) Law Enforcement. When we identify a concern we develop a program and if necessary seek funding. For example the schools were concerned about safety on their campuses and the need for School Resource Officers (SRO). The Chief of Police committed to helping and provided five SRO's, one for each of the schools on the Tohono O'odham Nation.

Another concern was jail overcrowding subsequently two programs were developed as an alternative to incarceration. An Adult Diversion program for first time offenders and a Resource Center that will identify the underlying cause for an offender's misconduct. It may be lack of employment, no High school education, or alcohol substance abuse, . The Resource Center will direct the offender to the appropriate service to assist them, in obtaining a GED, Counseling for their Alcohol or substance abuse problem and divert them out of the criminal justice system. A program we are particularly proud of is the Domestic violence Coalition again a multi-disciplinary approach to assist our victims of Domestic Violence. The DV Coalition includes Law enforcement, the DV program, Tribal prosecutor and survivors of domestic Violence.

Conclusion:

I appreciate the opportunity to share with you the perspective of Indian Country Law Enforcement in the State of Arizona, and the essential role Tribal Police must share with Federal, State and local law enforcement, to improve the quality of life for our people and the citizens in Arizona.

I respectfully urge the Commission to consider Prevention, a multi-disciplinary approach, to improving the quality of life for our people, and consider the cost savings, in the long run that prevention and intervention programs will realize. I also urge the Commission to support the efforts for an Indian country Fusion Center. This concept will close the gap, that exists because of the failure to include Indian Country Law Enforcement in the United States information sharing programs. Last I again urge you to strongly support the COPS Tribal Resource Grant program.

I will gladly answer any questions you have.