

**TESTIMONY OF THE PUYALLUP TRIBE OF INDIANS BEFORE THE
HOUSE SUBCOMMITTEE ON COMMERCE, JUSTICE, AND SCIENCE AND RELATED
AGENCIES
FISCAL YEAR 2010**

Mr. Chairman, my name is *David Bean*, Puyallup Tribal Councilmember. We thank the Committee for past support of many tribal issues and in your interest today. We share our concerns and request assistance in reaching objectives of significance to the Congress, the Tribe, and to 32,000+ *Indians (constituents)* in our Urban Service Area.

U.S. Department of Justice - Office of Tribal Justice - The Puyallup Tribe submits the following detailed written testimony to the House Subcommittee on the Commerce, Justice, and Science and Related Agencies F.Y. 2010 Appropriations. We look forward to working with the 111th Congress to insure that funding levels for programs necessary for the Puyallup Tribe to carry-out our *sovereign responsibility of self-determination and self-governance* for the *benefit of the 4,004 Puyallup tribal members and the members from approximately 355 federally recognized Tribes who utilize our services* are included in the F.Y. 2010 budget. The following provides a brief review of the Puyallup Tribe's priorities and special appropriation requests for FY 2010;

Summary: The Puyallup Tribe is requesting Committee support for a special appropriations funding for a new Justice Center to provide components of policing, court, emergency preparedness and detention for the Puyallup Reservation in the State of Washington. This new Center, designed to U.S. Department of Justice and Interior standards, will benefit and enhance the criminal justice infrastructure for agencies (tribal/non-tribal) in the State's 6th and 9th Congressional Districts. The requirement for a safe and secure facility to meet current and future needs is essential to the Puyallup Tribal community and surrounding communities. The requested special appropriations will be used for the construction of the "Detention Facility" component of the Justice Center. This will include the construction of a 7,000 square foot, twenty-eight (28) cell adult detention facility, with a prorated project cost of \$5.25 million. The Puyallup Tribe also is requesting funding increases for Tribal Courts, Community Oriented Policing Services, Tribal Youth Program, Meth Hot Spot Program and Violence Against Women Act programs.

Puyallup Nation Law Enforcement: The Puyallup Reservation is located in the urbanized Seattle-Tacoma area of the State of Washington. The 18,061 acre reservation encompasses most of the City of Tacoma, but the area is a "checkerboard" of tribal lands, Indian-owned fee land and non-Indian owned fee land. Our reservation land includes parts of six different municipalities (Tacoma, Fife, Milton, Puyallup, Edgewood and Federal Way). The Puyallup Tribe also provides services for 4,004 tribal members and over 25,000 additional Native Americans from over 355 federally recognized Tribes and Alaskan Villages.

The Puyallup Nation Law Enforcement Division currently has a Chief of Police, twenty-six (26) commissioned officers and two (2) reserve officers to cover 40 square miles of reservation in addition to the usual and accustomed areas. The officers are charged with the service and protection of the Puyallup Reservation seven days a week, twenty-four hours a day. Due to limited federal funding for law enforcement in Indian Country, only two (2) officers are funded with P.L. 93-638 funds. The remaining twenty-six (26) officers and nine (9) detention officer positions are funded by the Tribe. The total cost of justice services, including facilities operations and maintenance, exceeds \$5.7 million per year. As stated earlier, these costs are paid for with Tribal earned income.

The Tribe works closely with state and local law enforcement authorities. We recognize that in this day and age, such inter-jurisdictional cooperation is essential. We are fortunate to have a good working relationship with the state, county and city agencies. The Puyallup Tribe has had intergovernmental agreements with Pierce County and the City of Tacoma for many years. Puyallup Tribal Police officers are cross-deputized, so that arrests can be made under city or county jurisdictions, then offenders are turned over to the local authorities to be processed. The importance of the cross-deputization is highlighted by the impact of gangs on the Puyallup Reservation. Currently, there are twenty-eight (28) active gangs on the Reservation. Gang

activities include, drug trafficking, weapons sales and turf wars which result in drive-by shooting. Inter-date 5 runs through the Puyallup Reservation and is known as a drug corridor. With the continuing increase in population, increase in gang related activities on the Puyallup Reservation and the impact of the increase in manufacturing of meth amphetamines in the region, the services of the Puyallup Nation Law Enforcement Division are exceeding maximum levels.

A major area of concern is the status of the *Tribes Regional Detention Facility*. Due to damages from the February 2001 Nisqually earthquake, we have had to relocate to modular/temporary facilities. As a regional detention facility, the relocation to the modular facility not only impacts the Tribe's ability to house detainee's but also the *approximately 173 native inmates* that were incarcerated at the Puyallup Incarceration facility during the period of 2001 -2002. Relocation to the modular facility has also impacted the Tribes ability to house juvenile detainees. With no juvenile facilities, Native American youth are sent to non-native facilities. Since the relocation to the modular facilities the Tribe's ability to effectively and safely incarcerate detainee's has been compromised due to the condition of the temporary detention facilities. These conditions have been verified by a recent inspection by the B.I.A. with a recommendation that no further funds be allocate to bring the facility up to any standard.

In an effort to protect the safety and welfare of the native community the Puyallup Tribe has initiated the design and construction of a 28,000 square foot "Justice Center" to be located on the Puyallup Indian Reservation. The Justice Center will provide necessary facilities for the delivery of judiciary services including a Tribal Court, Court Clerk, Prosecution, Probations, Public Defender and Law Enforcement services, including Police Headquarters and a 7,000 square foot 28 cell "Adult Detention facility". To accommodate the future needs of these service providers, a detailed Space Needs Analysis was developed for each provider. Based on this information, space adjacencies were developed in order to begin the development of preliminary massing and building concepts. A preliminary phasing plan has been developed in order to meet budgetary constraints. Phase I would involve the initial construction of approximately 28,000 square feet at a cost of \$15 million. This would include all public safety, police and detention facilities. The prorated project cost of the "detention facility" is \$5.25 million. The planning and development of the new Justice Center will provide the Puyallup Tribal community and surrounding communities with the facilities required to carry out our responsibilities in overseeing and administering the Tribe's justice system. Moreover, effective regional cooperation and coordination with contiguous jurisdictions will be enabled. As stated earlier, the new Justice Center will benefit and enhance the criminal and justice infrastructure for agencies (tribal/non-tribal) in the State of Washington 6th and 9th Congressional Districts. Regional support for this project has been provided by Mayor Bill Baarsma, City of Tacoma; Pierce County Executive Director and Paul Pastor, Pierce County Sheriff. Congressional support for the new Justice Center has also been secured with the Washington State Congressional delegation. We have met with Senator Patty Murray, Senator Maria Cantwell, Congressman Adam Smith and Congressman Norm Dicks and their staff and all offices were encouraged by the Tribe's project and the cooperation with local jurisdictions.

The Department of Justice program established to address detention facilities in Indian country has been historically underfunded and proposed for elimination by past Administrations. *It has been estimated in the Interior Department Shubnum Report entitled "Master Plan for Justice Services in Indian Country" that \$8.4 billion is needed over the next ten (10) years to bring tribal and B.I.A. detention centers up to current standards and relieve overcrowding.* In FY 2009, the enacted level for this program is \$10 million. ***We respectfully request congressional support***

- ***Fund the Department of Justice - Detention Facilities Construction in Indian Country program for FY 2010 at a minimum of \$30 Million for new construction.***

- ***Support from the Subcommittee on the Tribes request for funding to design and construct an Adult & Juvenile Detention Facility on the Puyallup Reservation, in the amount of \$5.25 million.***

Tribal Court System: The Tribal Court system is an independent branch of the Puyallup Tribal Government having jurisdiction over 17,000+ Indians within our Service Area. Jurisdiction extends throughout our 18,061 acre Reservation and our U&A Grounds for Hunting and Fishing. Partial Court funding is provided via a P.L. 93-638 Contract; the funding level has varied little during the past ten (10) years covering only costs of supplies, expenses and partial funding of the Court Administrator's salary. Compensation costs for the Judge, Prosecutor, Public Defender, Children's Court Counselor and Clerical are at best, intermittent. Current levels of federal support are grossly inadequate thereby effectively denying access to equal justice.

Operations of a Tribal Court system with jurisdiction over the 4,004+ Tribal Members and the 25,000+ Indians is extremely costly. Sufficient funding is needed for the salaries of the Court Administrator, Judges, Prosecutor, Public Defender, Children's Court Counselor and Clerical. The Tribal Court System lacks basic resources most court systems take for granted, such as; the Federal Digest, the Federal Rules decisions, Washington State Reporters and access to the Lexus Data Base. A frame work is in place for an adequate court system, however we lack sufficient finding due to competing demands/priorities we cannot provide funding to other departments- some of which attempt timely intervention strategies to lessen court involvement. We have provided supplementary support to the court system for the past eight (8) years. With the projected increase demand on the court system services, it is anticipated that this shortfall will increase over the next five (5) years. ***We seek Congressional support and endorsement in:***

- ***Request Subcommittee support to fund the Office of Tribal Justice - Tribal Court System at no less than \$9 million for FY2010.***

Community Oriented Policing Services (COPS): The enacted level in F.Y.2009 for the COPS for Indian Country was \$20 million. This program provides an essential service to the public safety and welfare in Indian Country and assists tribal efforts to increase the number of law enforcement officers. Today, there are 1.3 law enforcement officers per 1,000 citizens in Indian county, compared to 2.9 law enforcement officers per 1,000 citizens in non-Indian communities.

The demand on law enforcement services will increase as tribal governments continue to enhance civil and criminal justice administration and as tribal governments play an integral role in securing America's borders, citizens and physical infrastructure. This demand is further impacted by the existing and growing "gang problem" within the boundaries of the Puyallup Reservation. These gangs are different than other reservations due to our urban setting (Puget Sound region of the State of Washington), five other city boundaries next to our exterior boundaries, six separate local jurisdictions and Interstate 5 traversing through the reservation. In an effort to combat these gang activities, the Puyallup Tribal Council created a Gang Task Force from the Tribal Police Department, representatives from various Tribal Services Divisions and community members. The Gang Task Force developed a gang policy that includes a four prong approach to gang related activities. They are; enforcement; intelligence; education; and physical-mental health. These programs are currently being implemented or being designed for use with supplies and staff being provided by the Tribe. What is needed to move forward is funding in each pronged approach. ***We seek Congressional support and endorsement:***

- ***Request Subcommittee support to fund the Office of Tribal Justice - COPS at \$20 Million for FY 2010.***
- ***Request Subcommittee support in funding the Tribal Youth Program at no less than \$25 million for FY 2010.***

- ***Request Subcommittee support in funding the “Meth Hot Spots” Program to fund cleanup of meth labs at no less than the enacted level in F.Y. 2009 and request that the Subcommittee issue directive language to the Department of Justice to include this amount in their FY 2011 budget.***
- ***Request Subcommittee support to fully fund programs authorized under Violence Against Women Act (VAWA), including \$1 million for the National Tribal Sex Offender and Order of Protection Registry and \$ 1 million for the baseline study of violence against Indian women.***