

Senate Judiciary Committee

March 3, 2021

Testimony of Alysia LaCounte.

Chairwoman Larson, members of the Judiciary Committee, thank you for the opportunity to provide testimony on House Bill 1126. My name is Alysia LaCounte. I serve as General Counsel to the Turtle Mountain Band of Chippewa Indians. I am a member of the Tribe and reside on the reservation. We request passage of House Bill 1126.

The Turtle Mountain Band of Chippewa Indians 6 x 12 mile reservation sits in the middle of Rolette County. The 6 x 12 mile reservation is littered with some State fee title land creating a checkerboard of jurisdiction. We have both BIA-Office of Justice Services police officers and tribal police officers. These officers perform primary enforcement of tribal laws and federal Major Crimes Act and Assimilative Crimes Act for the Community. The Roads within the 6 x 12 mile reservation are BIA, State, and County maintained.

The Tribe has negotiated a number of mutual aid agreements in order to appropriately serve the community's law enforcement needs. Our mutual aid agreement with Rolette County and the City of Rolla are designed to ensure the closest officer to the call is able to respond. It is additionally designed to allow the numerous police forces to provide back-up for situations as necessary to protect the public and the police forces.

As you are hopefully aware, tribal police officer's authority stops at the reservation line. They have no authority to assert force off reservation or on fee land. This void affects numerous aspects of law enforcement. One way it affects enforcement activities is in high-speed pursuits. I have reviewed many a police report wherein the tribal officers are on the radio conferring with County dispatch requesting permission to continue as they drive through the reservation on BIA roads to Rolette County Roads to BIA Roads and then to State Roads.

This legislation would alleviate the need for the officer's to continue with this process. This legislation would also serve to provide the officer's with liability coverage for acting within the scope of their authority.

We have additionally commenced negotiation with the North Dakota State Patrol. With the recent North Dakota Supreme Court decision in *State v. Olson*, State of North Dakota licensed police officers can no longer detain Indians within the reservation boundaries once the Indian is identified as Indian. The converse applies to Tribal Police Officers. They can no longer detain non-Indians with Indian County once the individual is identified as non-Indian. Because of the fluid nature of our society, the practical effect of this on law enforcement is untenable.

This proposed legislation would allow for tribal police officers to provide enforcement of State Law within Indian Country which would then be prosecuted by the State of North Dakota. A true partnership. Our mutual aid agreements would provide State Credentialed Officers to enforce against Indians.

Please understand that Tribal Police attend either the Indian Police Academy in Artesia, New Mexico or the Federal Law Enforcement Training Center in Georgia where they receive 16 Tribal Police Officers attend 16 weeks of police training at either at the Indian Police Academy in Artesia, New Mexico or the FLETC Academy in Brunswick, Georgia. Each officer is required to maintain 40 credits of training annually with firearms certifications twice annually to maintain their credentials.

Rolette County's law enforcement and the City of Rolla's law enforcement is significantly integrated with both Tribal members and non-Indians. The Law Enforcement in the area act as partners to ensure the safety of all. For the safety of the whole the Turtle Mountain Band of Chippewa Indians request passage of House Bill 1126.