

**NORTH DAKOTA LEGISLATIVE COUNCIL
TRIBAL AND STATE RELATIONS COMMITTEE
STATE CAPITOL, BISMARCK, ND
DECEMBER 17, 2015**

TESTIMONY

By Myra Pearson, Chairwoman, Spirit Lake Tribe

YOUTH SERVICES IN THE STATE WHO ARE ADJUDICATED IN TRIBAL COURT

Good morning Mr. Chairman and members of the Tribal and State Relations Committee. I am pleased to be here and to be given the opportunity to provide testimony on the services for tribal youth issues on and off the Spirit Lake Reservation.

In 2007 the Spirit Lake Tribe completed a community wide assessment and strategic plan to identify and prioritize issues facing our communities and to strategize about the best practices to enable us to address those issues. During that effort the tribal courts, law enforcement services and emergency management were all identified as priority areas for development and enhancement. I want to stress that the tribal youth were given the opportunity to participate in the focus group phase of the planning, it is their future and they spoke.

The Tribe has continued a dialogue with the Bureau of Indian Affairs for decades, the blatant deficiencies with respect to law enforcement and tribal justice as a whole remain unresolved, and in many respects the issues have compounded over the years. Tribal Justice Issues, like so many other issues in communities across this country require a comprehensive approach to resolution and not a temporary fix. To truly have a comprehensive approach Tribes need adequate funding, services and support in relation to Tribal Courts, law enforcement, detention, addiction counseling, mental health services and other related support services.

The tribal youth issues that face our community:

- (1) Juvenile detention facility: In recent years one of the biggest problems for our Juvenile Court has been the lack of juvenile detention and continues today. The Tribe has been forced to either go without detention or utilize state facilities that are generally ineffective in meeting the needs of troubled youth. Additionally, there is a significant lack of service-based programs that can serve as an alternative to detention as well. The Tribe has essentially had our sovereignty eroded by an agency that is to be carrying out a trust responsibility, which flies in the face of basic principles of law. Other areas that are lacking for tribal youth within the Spirit Lake Nation are:
 - a. Suicide Prevention
 - b. Affordable Drug and Alcohol Services
 - c. No peer counseling and mentoring services
- (2) Officer shortages: shortage of Officers have plagued the tribal justice system at Spirit Lake for many years, resulting in slow response times, inadequate investigations and reports, and a number of related problems. It has gotten to the point that many people are not even reporting criminal activity as they have no faith that anything will be done to help them. The

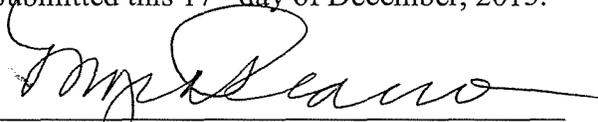
Tribe has engaged the BIA in a dialogue about these issues for decades but the response has been slow and inadequate at best. Generally the response from the BIA has been to detail officers from other reservations to reduce the outcry, however this not only creates shortfalls on other reservations, but it is a very short-term response to a long-term problem.

- (3) Tribal Courts: I cannot discuss the safety issues in our community without highlighting the lack of support and financial resources for our tribal court. To say that our Court functions on a skeleton crew is an understatement. I am not aware of any federal, state or municipal court that could function with the personnel, training and technological deficiencies that exist within our tribal court. For instance we have a prosecutor but no funding for a public defender. While the Indian Civil Rights Act does not mandate a public defender, our sovereignty is constantly under threat in the federal court system because we do not provide publicly funded defense counsel, not to mention that federal laws such as the Adam Walsh Act only provide for recognition of tribal court convictions where a public defender was available. These are the types of corners that we as Tribes are backed into within the current legal scheme and with current funding and service deficiencies.

The Tribal Court Juvenile section of the Spirit Lake Tribal Court consist of an Associate Judge, Juvenile Intake Officer, Juvenile Clerk of Courts, Juvenile Presenter and a Juvenile Public Defender. The last two positions came into being within the last 2 years so for years the Juvenile Court had operated with three (3) positions to address juvenile delinquencies. The Juvenile Court is also responsible for the family court process addressing custody issues. The Probationary section of the Juvenile Court and/or Corrections is nonexistence. In order for the Juvenile Court process to be effective so that juvenile offenders are not stuck within a system that catapulted them into the Tribal or State Adult court system and ultimately into the Federal Court System, probationary must be addressed and funded to maximum extent.

As you can see these issues are continuous.

Submitted this 17th day of December, 2015.



Myra Pearson, Chairwoman
Spirit Lake Tribe