

6. In total, I have over twenty (20) years of experience in Tribal Law Enforcement.
7. Through my personal and professional experience, I have an in-depth knowledge of the law enforcement needs on the Pine Ridge Indian Reservation.
8. As the Chief of Police, I oversee all the OST's P.L. 93-638 contracted Department of Public Safety (DPS or Department) law enforcement programs. The Tribe has contracted with the Secretary of the Interior to operate a major part of its P.L. 93-638 law enforcement more than forty (40) years.
9. Our tribal law enforcement program has an on-reservation law enforcement service population of more than 40,000 people.
10. This 40,000-service population number takes into account:
 - A. The 38,291 Indian people who were registered as patients at the Pine Ridge Indian Health Service (IHS) on-reservation Service Unit in 2019. In so doing, I assumed that while this number has likely gone up and down based on births and deaths, peoples' health status, and the movement of families in and out of our Reservation area, the number of patients registering for IHS Services on the Pine Ridge Reservation have, discounting the Covid period, remained fairly constant or even increased significantly since 2019.
 - B. The up to 2,500 people that the State of South Dakota's Department of Transportation identified on their 2019 Traffic Flow Map as coming up or down South Dakota Highway 18 to the Reservation on an average daily basis. This number is well below the actual car counts that our OST Covid Roadblocks encountered during the period that the Tribe temporarily shut off access to the Reservation during the worst of Covid-19.

- C. Approximately another 1,000 non-tribal members either live on, work on, or visit the Reservation for personal or business purposes on a reoccurring basis, but do not do so via SD 18. They are instead accessing the Reservation, via other roads such as SD 40, SD 44, SD 407, N-87, SD 391 and N-27.
11. Oglala Law Enforcement Officers respond to E-911 calls and law enforcement requests that come from anywhere within the Reservation. These calls originate from: our Tribal Officers, OST Tribal Members, non-member Indians, non-Indians who live on the Reservation, non-Indians and non-member Indians who just happen to be on the Reservation, other Police Departments, and privately owned and operated entities.
 12. Our Tribal Law Enforcement Officers are also often required to spend time transporting detainees to and from detention facilities, medical facilities (often for pre-detention medical clearances) as well as to and from federal, state, and tribal court.
 13. Additionally, our Tribal Law Enforcement Officers are sometimes called upon to provide backup to Law Enforcement Officers from other reservations as well as state and county Officers.
 14. Our Tribal Law Enforcement Officers are also required to attend regular continuing education and training during working hours.
 15. Several of our Law Enforcement Officers, myself included, have Special Law Enforcement Commissions from the federal government which charges us with the enforcement of federal law.
 16. In FY2021 our Department received 133,755 E-911 calls.

17. Among those 133,755 calls were 794 calls involving an assault, 1,463 involving domestic violence, 522 gun-related calls, 541 drug/narcotic calls, and calls involving 541 missing persons.
18. During FY 2021, the federal government only provided the Tribe with sufficient resources to retain thirty-three (33) Tribal Law Enforcement Officers and (7) seven Criminal Investigators (collectively herein “Law Enforcement Officers”) to cover the entire Pine Ridge Reservation and the population within it.
19. Because our Department provides law enforcement services 24 hours a day, 7 days a week, including holidays; and because I must budget officer work time for federally mandated officer vacations, training, sick time and other forms of mandatory leave; our Department is generally left with only 6-8 Law Enforcement Officers to deploy per shift.
20. Due to inadequate staffing, and the distance between our calls many E-911 calls for police service are not being responded to. Calls are also not being responded to in the time required to ensure public safety and proper policing. And crimes are not being fully investigated per proper federal law enforcement standards because there simply are not enough available Tribal Law Enforcement Officers. I do my best to avoid all of these things, but with 6-8 officers per shift, spread across 3.1 million acres, and over 133,000 calls it is almost impossible.
21. Our volume of E-911 calls, combined with our inadequate number of Tribal Law Enforcement Officers, is resulting in police officers driving from call to call at high speeds, endangering both the officer and the public. While this is against our tribal police procedures, and while I do my best to discourage it, it is almost impossible to

slow down an officer responding to a call when he or she believes that another person may be in danger.

22. Our current response times often exceeds thirty (30) minutes, even in cases of domestic violence, gun activities, and other imminent threats of harm. No matter how my senior officers and I deploy our six to eight Tribal Law Enforcement Officers per shift, the sheer size of the Reservation and distance between calls makes it impossible to adequately cover every one of our fifty two tribal communities in a manner which guarantees a shorter response in most cases.
23. Our limited number of Tribal Law Enforcement Officers require us to deploy virtually all of our Tribal Law Enforcement Officers solo, with backup often being over 30 miles away, even in cases involving guns or other weapons. Thus, our Tribal Law Enforcement Officers are often placed in unnecessary danger. This keeps our Department operating under unnecessarily stressful conditions.
24. With long response times, it is not unusual for witnesses and evidence to be gone by the time our officer arrives. This is hurting federal and tribal prosecutions and convictions.
25. Our Department keeps regular crime and E-911 data and relying on this OST can document that the number of crime-related deaths, homicides, drug sales, police-involved accidents, and overdoses have increased significantly since 1999.
26. Our Department is currently deploying many Law Enforcement Officers to work an unreasonable amount of overtime, even multiple shifts, which I am aware is outside good police management procedures. Again, we make every effort to avoid this, because I know as the Chief of Police that this is endangering both the officers and the

public, but with 33 officers, 7 Criminal Investigators and more than 133,000 calls, it is largely impossible not to do so.

27. As OST Chief of Police, I regularly receive complaints from OST Elected Tribal Officials and OST Tribal Members that they, and/or members of their families, are often scared to venture out of their homes at night, especially now that gunshots are heard throughout the Reservation on a frequent and re-occurring basis.
28. The Tribe operates numerous tribal on-reservation schools, health facilities, tribal programs, and tribally owned businesses, a sizable number of which operate after dark. All of these are within our law enforcement service area and all of which are dependent upon our Tribal Law Enforcement to operate safely.
29. As OST Chief of Police, I have also been informed by OST Elected Tribal Leaders and OST Tribal Members that some families and students in their Tribal Districts no longer feel safe at our schools, largely because of the presence of drugs, gangs and threats. I am personally aware that this is the reason that the OST requested funding for School Resource Officers in our FY 2022 P.L. 93-638 proposal that was rejected in March 2022.
30. As OST Chief of Police, I have also been informed by our OST Elected Tribal Council that tribal health care costs have been increased over the last five (5) years because of the increased number of overdoses, accidents, and injuries sustained from assaults, domestic violence and other on-Reservation crimes. While I do not personally have access to these numbers, I can attest to the fact that overdoses have increased since I arrived and that I have personally witnessed a sizable number of increasingly serious

injuries from accidents and domestic violence over the short period that I have been Chief of Police.

31. I have received complaints from our OST Elected Officials advising me that the increase in crime on the Reservation is discouraging new businesses from coming onto the Reservation. I have also received complaints from on-Reservation business owners who are upset about the additional costs that they are incurring because of crime. Some businesses have even chosen to add additional security systems or not to remain open at night.
32. I was greatly disturbed to learn that the OST's base funding for law enforcement was based on Oglala's 1999 BIA Tribal Priority Allocation (TPA) for law enforcement, because I personally know that a number of the Law Enforcement Officers working for our OST Department at that time were employed using DOJ and not BIA funding. Thus, the Tribe's local law enforcement need, and the BIA base budget are not being accurately reconciled.
33. I have not seen any evidence that the Tribe's actual need, nor the 1999 U.S. Department of Justice (DOJ) funding of officers that no longer exists, was properly considered when the BIA established our base budget.
34. From looking at all of the Office of Justice Service's Tribal Law and Order Act (TLOA) Reports to Congress, I was disturbed to see that the methodology used to determine OST's base law enforcement funding did not, and still does not, count the non-tribal residents, visitors, tribal workers who live off the reservation but work on it, and businesspersons coming onto the Reservation to provide goods and services on

- a regular basis as part of the base service population, all of which our Tribal Law Enforcement Officers assist on a regular re-occurring basis.
35. This arbitrary methodology, employed by BIA since 1999, has resulted in an unacceptably low base budget for our OST law enforcement services on the Reservation.
 36. While the BIA's TLOA Reports calculate that a basic law enforcement program in a rural area like ours requires at least 2.8 officers per 1,000 people served, this figure is to far too low for a large land-based reservation like Pine Ridge, especially one with a sizable number of drug-related crimes. This is because so much of an officer's time, on a reservation the size of Pine Ridge, is spent driving to and from a call, or to and from a detention facility or a medical clearance facility. This driving time takes away from an officer's ability to provide additional law enforcement services during his or her shift.
 37. The population and the number of tribal members living on, and the number of people coming on and off of the Pine Ridge Reservation has increased significantly since 2013. As a result, the 2013 Indian Population and Labor Force Report used to calculate the base funding for Oglala Law Enforcement is neither an accurate nor a reasonable or reliable use of that data.
 38. I have spoken with Oglala Tribal Officials and former Oglala Chiefs of Police, and they have related to me no instance of, nor can I find any record of, the BIA having conducted a formal law enforcement needs assessment on Pine Ridge in the last ten (10) years.

39. As an Oglala Sioux Tribal Member, I was taught by my elders that federally funded law enforcement at Pine Ridge was and is a federal treaty and trust responsibility which our people negotiated for in our treaties and which the Congress of the United States has reaffirmed in federal statute.
40. I have personally been at public meetings where both BIA and OJS staff, acting in their official roles, have described to OST and other Tribal Leaders that the Office of Justice Services is operated to fulfill the federal government's treaty and trust responsibility to federally recognized tribes. Additionally, I have long understood that they had the authority to make that statement on behalf of the DOI.
41. The Tribe has repeatedly pointed out the BIA's underfunding in our tribal law enforcement to the DOI, BIA, OJS, and the White House. I have also been present at, and participated in, a number of those more recent Tribal presentations.
42. OJS District 1 and the BIA-OJS Central Office in Washington, D.C. have received and are, or should have been, aware of the on-reservation crime and drug violation reports which our DPS submits into the federal data base on a regular basis.
43. Additionally, my staff and I also communicate regularly with the United States Attorney in South Dakota on the issue of federal prosecutions of any number of the above-described crimes, so DOJ representatives know of our felonies as well.
44. I have personally attended OST Tribal Council Meetings where on-reservation crime was discussed and where the BIA Superintendent was in attendance either in person, by computer or by telephone.

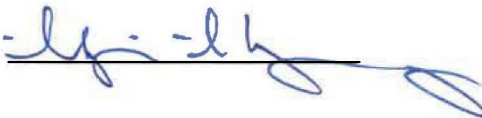
45. The OST Tribal Council and many OST Tribal Council Law and Order Committee meetings have been, and still are, regularly publicly broadcasted on or local KILI Radio.
46. In 2021, the OST's pre-existing P.L. 93-638 contract with BIA covering law enforcement and criminal investigations expired.
47. Following a series of mutually agreed upon extensions, the Tribe requested new contract negotiations on December 27, 2021.
48. In the OST's FY 2022 two renewal proposals, which I personally forwarded to the OJS, and which were also sent to our DOI Awarding Official, there was a request for two (2) separate contracts, one for law enforcement and another for criminal investigations. These proposals were not based on need, but merely requested additional funding sufficient to hire and adequately equip a bare minimum number of additional OST Law Enforcement Officers the Tribe sought to obtain without litigation (including additional OST Criminal Investigators), reinstate past federal funding for OST School Resource Officers, and add an Internal Affairs Officer, Missing and Murdered Officer and additional drug enforcement staff and equipment.
49. The language of the two OST FY 2022 proposed contracts, which I also personally sent to District 1 OJS, made clear that the drug enforcement, school resource officers, internal affairs and missing and murdered funding that the OST was requesting was for local activities only, and would not interfere with activities DOI is performing at a regional or national level.
50. Tribal law enforcement has already been dealing with citizen complaints and other internal affairs issues, responding to numerous missing persons calls, and drug and

school related crimes under our prior “638” contracts. Therefore, the requests that were made in our two proposed FY 2022 contracts were merely asking for more money and more staff to continue and better address what we were already doing with the OJS’s knowledge and tacit permission. OJS’s internal affairs investigations have sometimes taken up to three years to complete. This delay has prevented Oglala Sioux Tribal officers from getting Special Law Enforcement Commissions while waiting for the results of the Indian Bureau of Internal Affairs’ work and caused problems for the working relationship between the Tribal police and many members of the local community.

51. Defendants’ decision to make all tribal School Resource Officers a part of the work for its own BIA operated Federal Drug Enforcement Task Force fails to account for the federal government’s obligation to address the other law enforcement activities taking place at OST schools, including, among others, thefts, suicide attempts, and the use and sale of non-federally banned substances like gasoline and cleaning chemicals which some individuals use to obtain an artificial “high.” None of these concerns are currently, nor can they be, addressed by a federal drug unit 80 miles away in Rapid City, South Dakota. It also cannot protect our OST students in the event they are threatened by an angry or deranged individual.
52. OST Law Enforcement Officers regularly responds to missing and murdered persons calls and we have seldom seen any BIA Missing and Murdered Task Force staff, from Rapid City, assisting us in the first critical phase of that investigation during my term as Chief of Police.

53. Since October 1, 2021, our tribal law enforcement division has responded to over 14 questionable deaths, 13 of which have been investigated or charged as homicides. We have also charged somewhere in excess of 1,295 violent crimes and 1,042 drug related crimes during that same period.
54. The average overtime for Tribal Officers from January through June 2022 is approximately 80 hours per month (on top of their scheduled 160 hours) for a total of 240 hours of work per month. This does not count the travel hours to and from the office.
55. Missing persons reports received by the Tribe from January through June 2022 totals 285. Of these reports, there were two questionable deaths in February alone.
56. From January through June 2022, there have been a total of 308 gun-related calls into Dispatch. Since about that time, we have received 49 reports of rape.

I hereby swear under penalty of perjury that the foregoing is true to the best of my belief and knowledge.

By: 

Date: July 15, 2022

Algin Young