

**UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION**

	)	
	)	<b>Civil Action No.</b>
	)	
<b>Oglala Sioux Tribe</b>	)	
<b>v.</b>	)	
<b>UNITED STATES OF</b>	)	DECLARATION OF RON
<b>AMERICA</b>	)	DUBRAY
<i>et al.</i>	)	
	)	
	)	
	)	
	)	

I, Ron DuBray, make the following affidavit.

1. I am an enrolled Member of the Oglala Sioux Tribe (OST) and a current Member of its Tribal Council. I am also a tribal elder.
2. I served as an Oglala Sioux Tribal Law Enforcement Officer for over 30 years, having joined the Tribal Police Force in 1981.
3. I have previously served as the Chief of Police and as the Acting Chief of Police for the Oglala Sioux Tribal Police Department on multiple occasions, retiring in 2014.
4. During my time as a Tribal Law Enforcement Officer, and on every occasion when I served as Chief of Police or Acting Chief of Police, the Tribe has contracted with the Department of the Interior (DOI) to operate its law enforcement program under P.L. 93-638.
5. Starting in 1998, the OST participated in a Department of Justice (DOJ) pilot program “to help tribes consider how they might better address crime and public safety problems.”
6. This project, called the Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) program. At about that same time, the OST also had some other

related DOJ short term funding. Starting in 1998, the DOJ funds provided the OST with over 50 DOJ-funded Tribal Law Enforcement Officers for just over three years, plus a carryover period.

7. This in turn resulted in an artificially lower demand for Bureau of Indian Affairs (BIA) law enforcement funding under what was then called the BIA's Tribal Priority Allocations (TPA) System.
8. This lower demand on BIA dollars was due to the Tribe receiving a sizable percentage of the law enforcement staff and equipment that it needed at that time from its CIRCLE and other DOJ grants.
9. As a result, when the BIA decided to use each individual Tribes' 1999 law enforcement spending solely from that Tribe's 1999 BIA Tribal Priority Allocation (TPA), to serve as that Tribe's base funding for BIA law enforcement from 1999 forward, that decision created a great inequity in the base funding amounts that the various Tribes received.
10. This new BIA base funding system based on the 1999 TPA had no relationship to OST's actual law enforcement needs.
11. The BIA's Office of Justice Services (OJS) was well aware of the number of Oglala Law Enforcement Officers who, in 1999, were being paid for with DOJ funds. This was because each of those DOJ funded officers had to have their individual backgrounds, training and supervision approved by the BIA before any DOJ funds could be used to pay their salaries. Additionally, by federal rules, all of them were operating under overall BIA supervision.
12. By the end of March 2006, the Tribe had lost 59 DOJ-funded officers that were not replaced by BIA law enforcement funding because the BIA base funding mechanism did

not provide a mechanism to sustain officers previously funded by DOJ or other federal agencies.

13. I have personally attended and participated in multiple meetings where the OST has pointed out its inadequate law enforcement funding and the very practical impact that it is, and has been having at OST, yet the DOI and BIA continue to use those 1999 base funding methodologies when calculating OST's annual law enforcement budget. As a former Chief of Police, I faced this problem repeatedly year-after-year.
14. As a direct result of this arbitrary funding, I, as a former OST Tribal Police Chief, I have personally had to require tribal officers under my command to work alone, without adequate and timely backup.
15. As an experienced former Chief of Police, I am aware of how dangerous it is, to both our Tribal Law Enforcement Officers and the general public, to have police officers working more than 16 hours in a given 24-hour period. I also know that it is equally dangerous to have them working alone without timely backup, and to have an officer assigned to an unrealistic volume of calls, which are often more than 30 miles apart.
16. I have personally reported those dangers to BIA officials year after year but have never felt that I received any significant help to alleviate these problems.
17. Over the course of my tribal law enforcement career, I have personally traveled to Washington, D.C. on numerous occasions to discuss these matters with BIA, DOI, and White House officials, and each time I have been upset to see more federal Law Enforcement Officers on duty in the various Congressional Office Buildings that I was visiting, and at various federal sites in Washington D.C., than are on duty on a given shift on our Reservation to protect and serve more than 40,000 people.

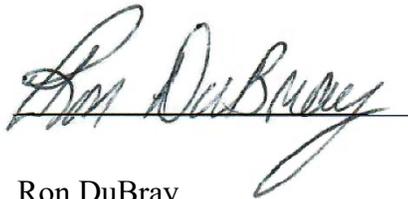
18. Those situations have left me knowing that our Tribal Law Enforcement Officers, many of whom are federal police academy graduates, are unvalued by the federal government and treated differently simply because they are working for a Tribe rather than as federal employees.
19. Over the last 5 years, I have personally seen evidence that heroin, and other highly dangerous narcotics have become prevalent on the Pine Ridge Reservation. I have also heard, and received reports of, guns being discharged on the Reservation in an illegal manner, for other than hunting purposes.
20. Our OST Reservation is now seeing a type and volume of crime that I have not seen before, and that has long been uncommon in other parts of South Dakota.
21. As a Tribal Councilman, I am today seeing more OST Law Enforcement Officers who appear to me to be suffering from stress and family difficulties driven in large part by the work demands our lack of an adequate number of officers is placing on them. I know of OST Tribal Law Enforcement Officers who are actively talking about exploring other less stressful employment.
22. From my family, I was taught what our tribal people sacrificed in exchange for the promises the United States made in our treaties. I was also led to understand that the federal trust responsibility to the OST meant something, yet I see no evidence of federal efforts to fulfill it in the areas of OST law enforcement and public safety since 1999.
23. Our tribal law enforcement has on numerous occasions throughout my career, responded to E-911 calls from non-Indians simply because no non-tribal officer was nearby. Thus, both the counties and the State of South Dakota have come to rely upon our Tribal Law Enforcement Officers doing that, when they deploy their own forces. Those same non-

Indian governments rely upon the fact that our Tribal Law Enforcement Officers will be available to back up their state and county officers in on-Reservation emergency situations.

24. The U.S. Indian Health Service (IHS) has advised me and the other Members of our Oglala Sioux Tribal Council that the IHS-Pine Ridge Service Area, which is located on our Reservation, had 38,294 persons registered as patients in 2019. Under their normal rules, those individuals usually had to be living on, or coming onto the Pine Ridge Indian Reservation to receive those services and be given that I.H.S. patient registration number.
25. I therefore agree with current Police Chief Young conclusions in his personal Declaration in this case, that our OST Law Enforcement Service Population is well over 40,000 people, for the very reasons stated in his Declaration.
26. I was personally shocked when the BIA turned down the OST's request to contract additional drug officers, a missing and murdered person specialist, a local Internal Affairs Officer and School Resource Officers, as the BIA knows that the OST Department of Public Safety has provided the local aspects of all of those law enforcement services under its past P.L. 93-638 contracts, among them P.L 93-638 contracts which were in place when I was the OST Chief of Police.
27. I am familiar with the OST population estimates contained in the 2013 Indian Population and Labor Force Report. Those estimates are not a realistic measure of our OST Law Enforcement Service Population in 2022. They do not count non-Indians on the Reservation, persons who work on but live off our Reservation, or many members of other nearby tribes who can regularly be found coming onto our Reservation. The fact that that the BIA tells us that it is using data from this 2013 report to calculate our base

law enforcement funding level in FY 2022 demonstrates how arbitrary the BIA system has always been, and why our current Tribal Law Enforcement Program is as underfunded as it is, and has been, for a number of years.

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

By:   
Ron DuBray

Date: June 30, 2022