



## THE HARVARD PROJECT ON AMERICAN INDIAN ECONOMIC DEVELOPMENT

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John F. Kennedy School of Government • Harvard University

### HONORING NATIONS: 2005 HONOREE

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*In response to the challenges of meeting the public safety needs of their citizens across multiple jurisdictions, all with limited human and financial resources, and increased problems of drug and alcohol related crime, the Flandreau Santee Sioux Tribe and the City of Flandreau joined legal and financial resources in a working partnership to establish the Flandreau Police Department. Operating under a jointly run, independent Public Safety Commission, the Flandreau Police Department strengthens the ability of the Flandreau Santee Sioux Tribe to exercise its right to protect and serve its citizens while demonstrating its commitment to safety for an entire community. In the process, all citizens Native and non-Native realize improved community safety.*

Between 1869 and 1873, many Santee Sioux Indian families gathered along the Big Sioux River, near what is now the city of Flandreau, South Dakota. Becoming homesteaders under the Sioux Treaty of 1868, these families were required to renounce their tribal membership and became, citizen Indians, without tribal land holdings. By 1935 under the Indian Reorganization Act, the community gained federal recognition as the Flandreau Santee Sioux Tribe (FSST). Today, the lands of the Flandreau Santee Sioux Tribe are located within Moody County and headquartered in the city of Flandreau, South Dakota.

As a tribal government, the Flandreau Santee Sioux Tribe considers the safety of its citizens to be one of its highest priorities. In seeking to ensure public safety, the FSST faces challenges similar to those confronting law enforcement in other rural areas, including a growing methamphetamine drug crisis, high incidents of domestic violence, and alcohol related issues. Large distances, limited financial and human resources, and the patchwork nature of tribal lands resulting in overlapping and checkerboard jurisdictions further complicate law enforcement. The establishment of a tribally-owned casino in 1990 brought economic benefits to FSST, but also created additional demands on law enforcement to provide a secure environment for casino patrons, while protecting the community from crime often associated with gaming and an influx of non-residents to the area.

Tribal nations across Indian Country often cope with a multitude of entities, including tribal police, local sheriffs, state police, and federal agents, in providing law enforcement and public safety. Jurisdictional distinctions between tribal, federal, state, and local governments can create confusion in enforcement, delays in response, extensive paperwork, and frustrated citizens. Additionally, each jurisdiction may have different goals and enforcement practices, resulting in misunderstandings and lack of cultural sensitivity. For tribal nations in rural areas, the challenges are multiplied due to the large geographic areas needing coverage, the remoteness of locations, and limited money and manpower available for enforcement. Creating partnerships between local

and regional law enforcement agencies offers tribal nations the opportunity to meet the needs of their communities while exercising self-governance.

Attempting to meet the public safety needs of its citizens, the Flandreau Santee Sioux Tribe tried various methods of law enforcement depending on available resources and leadership of both FSST and the City of Flandreau. Instituting cross-deputization with other local law enforcement agencies, hiring of Bureau of Indian Affairs police officers, and development of a tribal police force proved to be insufficient for various reasons. By 1999, the Moody County Sheriff's Office (MCSO) was contracted as the primary provider of law enforcement for tribal citizens both in and around the City of Flandreau. However, responsibilities of covering an entire county stretched the resources of the MCSO thin. The tribal government felt a critical gap in services for their citizens, a concern echoed by the city of Flandreau. Long-term, effective law enforcement solutions were imperative.

In 2000, FSST and the City of Flandreau formed a Public Safety Commission (PSC) made up of city and tribal leaders, business people, health and educational professionals, and other community members. The PDC set out to conduct a study to evaluate law enforcement options within the City of Flandreau. Out of this emerged a joint power agreement between the Tribe and City designed to enhance public safety, promote intergovernmental relations, and improve the general quality of life facing the rural community. Under the joint power agreement, the Tribe and the City formed the Flandreau Police Department (FPD).

The governance of the FPD is a shared responsibility between FSST and the City under the authority of the Public Safety Commission. As designated by public ordinance, the PSC is responsible for hiring and staffing, oversees the FPD budget, convenes monthly community meetings and meetings with the FSST Tribal Council and the Flandreau City Council. It provides a layer of independence from changes in leadership of both FSST and the City by operating as its own entity, while also serving as a mechanism for airing of public complaints.

Under the PSC, the FSST-City FPD provides law enforcement services both within the City of Flandreau and on all trust lands under the Flandreau Santee Sioux Tribe. Similar to other police departments serving checkerboarded areas, FPD officers are cross-deputized to address jurisdictional issues. The FPD works closely with the Moody County Sheriff's Office, and FPD officers are authorized to enforce state and tribal protection orders. Collaboration with the Federal Bureau of Investigation provides further cross-jurisdictional authority as well as opportunities for quality law enforcement training.

The FPD is structured around a commitment to community policing that not only involves the community in law enforcement, but also creates a cadre of officers and staff who reflect, understand, and are trained as a part of the larger Flandreau community. As a consequence, public safety for all citizens is a primary mandate. Officers receive extensive training that encompasses community policing, safety and tribal laws. To further enhance community policing principles, the PSC members attend trainings as well.

Five years after the establishment of the FPD, law enforcement in the community continues to improve. Crime reporting rates are rising, signaling improved public understanding of, trust in, and communication with the FPD. Once plagued by drunk driving, the FPD's action in increasing Driving Under the Influence (DUI) arrests by 100% has given Flandreau a reputation for being tough on DUI offenders, and incidents are decreasing. The implementation of a strategic plan to combat a methamphetamine crisis through education, treatment, and enforcement has resulted in increased arrests and enrollment in treatment facilities. The level of trust the FPD has engendered in the community itself is another measure of success. Structured and informal interactions with students, businesses, and other community members have paved the way to increased communication and a sense of joint responsibility in community improvement. The FPD

is not an adversary, but a partner in collective community action. In fact, because of the rapport, trust, and confidence staff members hold for the FPD, the domestic violence shelter in Flandreau allows FPD officers access to their facilities, a prohibition for most other shelters.

The FPD as a collaborative law enforcement agency helps reduce the complications of multiple jurisdictional boundaries. Because the FPD has been created as a joint effort of FSST and the City of Flandreau, it is able exercise jurisdiction through one entity encompassing both tribal and municipal lands. Additionally, memoranda of agreement between the Flandreau Santee Nation, the City, and state and federal authorities provide FPD officers with credentials for city, state, and federal law enforcement. This ensures the FPD is able to enforce measures throughout the City, parts of Moody County, and on all FSST trust lands, eliminating jurisdictional complications. Legal codes established by FSST are modeled to mesh with state codes, allowing for standardization across law enforcement agencies as well as in tribal and state courts.

New levels of cooperation have also increased trust among legal authorities. Both the county attorney and the tribal attorney express deep faith in the efforts and effectiveness of the FPD. Joint law enforcement means less confusion by citizens about which authorities handle which issues. For example, the CEO of the local public school system noted that, under the FPD's consolidated services, neither citizens nor law enforcement officials now have to uncover who is best to contact when an incident is occurring. Previously, they had to decide who should be called: the City, the Tribe, or the County. This has increased effectiveness and decreased response time in emergencies.

Establishing the joint and independent Public Safety Commission to govern the FPD provides consistent and responsive leadership separate from political changes in tribal and municipal government. Continuity in any agency, program, or organization can be problematic during changes in elected tribal or municipal leadership. The Public Safety Commission governs the FPD, buffering public safety operational matters from the immediate leadership of the tribal and city council. This maintains a sense of stability for law enforcement not always present in the past, as changes in the make-up of elected members of either council previously resulted in new methods and/or changes in leadership for law enforcement entities. Additionally, the structure of PSC allows the Flandreau Santee Sioux Tribe and the City of Flandreau to address common issues and concerns for the community, and seek solutions collectively. Decisions are reached through consideration of diverse community needs because the commission consists of City and FSST leaders, citizens, service providers, and educational professionals. Tribal citizens, along with non-tribal community members, are in charge of decisions about law enforcement, creating a balance of power while maintaining the sovereignty of both. The PSC has also ensured consistent leadership by the careful selection of a dedicated Chief of Police.

The current Chief has worked to build the FPD as a high-quality law enforcement agency. His role in establishing community policing practices, developing inter-agency collaboration with federal, state, and local law enforcement agencies, and creating a set of policies and procedures based on national law enforcement accreditation standards have created strong and steady leadership throughout the department's five years of growth. The Chief and the PSC challenge themselves to stay personally and professionally knowledgeable about the cultures present in the Flandreau community. The FPD has a stated commitment to non-raced biased practices and educates the entire FPD on cultural differences, promoting respect for all community members.

Commitment to community policing efforts by both the PSC and the FPD is a major factor in the ability to provide community responsive, culturally sensitive, and non-race based law enforcement. Officers are encouraged to regularly attend community meetings, social gatherings, and church assemblies. Officers also patrol the public school yard and buildings on a regular basis, often eat with students in the cafeteria, attend sporting events, and maintain a presence in school hallways. When graffiti appeared in a city park frequented by local youth officers enlisted

the youth to repaint the defaced building. Parents also joined the efforts, demonstrating a sense of community ownership for the park.

More than just visible presence in the area, community policing in Flandreau involves providing a forum for citizens to help guide the policies for the FPD, including fostering community commitment, responsibility, and involvement in safety for all. With assistance from the FPD, the PSC has developed educational forums, employee assistance training, and a community coalition to address methamphetamine abuse and sales. The Tribe and the City developed a memorandum of understanding calling for a zero tolerance policy on underage drinking and street drugs, and have worked to make treatment options available as part of the FPD's enforcement strategy. Even the official patch worn by FPD officers reflects an awareness and respect for the community and was designed by a FSST youth. A circle with four quadrants, the design honors the four directions, with one red, black, white, and yellow section, as well as having meaning in law enforcement. Meeting across the circle are two hands, white and brown, and each of the quadrants incorporates smaller images of the city and region of Flandreau, including the FSST official symbol.

Positive relations are being fostered between the FPD, community programs, institutions and governments, in part due to efforts and implementation of community policing standards. Consequently, county and tribal courts, the public school system, the FSST tribal council, and the Flandreau City Council all express confidence and commitment to the FPD. Even community members not directly involved with the FPD appreciate the dedication to fair enforcement. For example, a teen worker in a local sandwich shop didn't know the difference between the Moody County sheriffs and FPD officers, but was open in saying he and his classmates like the guys in black [the FPD] much better, because they are fair and not racist. By changing perceptions of law enforcement through community policing, the FPD has created a successful approach to resolving cultural differences while meeting community needs.

As the Flandreau Police Department grows and evolves, it will continue to be a model for partnerships between tribal and municipal governments. The creation of the Public Safety Commission and the Flandreau Police Department has enabled the Flandreau Santee Sioux Tribe to join legal and financial resources with the City of Flandreau. As a result, both the Tribe and the City are better able to manage multiple jurisdictions and common concerns while providing effective law enforcement for the region's shared citizenry. The success of the PSC and the FPD demonstrates how fostering and enhancing communications and coordination between tribal and non-tribal communities, agencies, and governments can strengthen the ability of tribal government to better serve their citizens.

#### Lessons:

- Inter-governmental agreements and agencies enable tribal governments to leverage resources in serving their citizens while still maintaining sovereignty in the decision-making process.
- Establishing and institutionalizing an independent entity for managing law enforcement ensures the continuity and constancy of public safety efforts by creating a buffer from political or governmental instability.
- Law enforcement systems run by and for a community foster a sense of citizen responsibility and ownership, and lead to reduced crime, increased cultural sensitivity, and enhanced community well-being.