

TESTIMONY OF JACKSON T. KING, JR.

Representative Dargan, Senator Hartley and members of the Public Safety Committee, my name is Jackson King. I am the General Counsel of the Mashantucket Pequot Tribe, and we appreciate the opportunity to come before you today and testify in favor of HB 6373, An Act Concerning The Policing of Indian Tribal Land.

The Mashantucket Pequot Tribal Police Department and the Mashantucket Pequot Tribal Court system are very important aspects of tribal self-government for the Mashantucket Pequot Tribe ("Tribe").

The Tribal Court system, including the prosecutor and probation officer, enforce tribal criminal law and are able to administer punishment and/or treatment programs on a very individualized basis. Tribal criminal laws are very similar to the criminal laws of the State of Connecticut. There are jail cells located on the Reservation and arrangements are made with outside prison facilities for any confinement more than a few days.

However, under federal court decisions, the Tribal Court system can only exercise criminal jurisdiction over members of federally recognized Native American Tribes. In addition to the limitation of jurisdiction over non-natives the maximum punishment our Court can impose is one year in prison and a \$5,000 fine for each offense.

As Chief Dittman will explain in more detail our Police Officers are highly trained through the Bureau of Indian Affairs and other training and have either completed or are starting their POST training at this time.

Despite the federal limits as to criminal jurisdiction courts have held that Native American tribes, acting through their law enforcement authority, have the inherent power to maintain law and order on the Reservation. This includes the power to detain and hold a non-native individual accused of committing a crime on the Reservation as reasonably necessary until they can be transitioned to the state or federal authorities. Thus, throughout Indian Country it is common practice to "detain" and hold an offender until they can be transferred to the state or federal authorities for prosecution.

As we envision it, this legislation and the Memorandum of Agreement between the Tribe and the State (the "MOA") that will result is an extension of the process which currently exists. The Mashantucket Pequot Tribal Police Department is created pursuant to the inherent authority of the Tribe and is an agency of the tribal government. The proposed legislation envisions the granting of authority under an MOA to the Tribal Police Department under state law, and to the extent the Tribal Police Department is exercising that authority, its authority is created and governed by the terms of the MOA. The MOA will define the practices and procedures to be followed by the state and tribal law enforcement agencies to maximize their effectiveness. Thus, among other things, the Tribal Police might be able to not only arrest a non-Native American accused on the Reservation but transport that individual off the Reservation to the designated state facility. It is expected that the MOA will address numerous issues of concern to the parties including the details as to evidence, reports, bail, and other items. Hopefully, all of this will

maximize the assistance that the Tribal Police can provide to the State in processing non-Native Americans who commit crimes on the Reservation through the State system. Of course the legislation as currently drafted provides for the entering of an MOA that requires the approval of the State Commissioner of Emergency Services and Public Protection and the Chief State's Attorney, and the State may revoke the MOA through the joint authority of the Commissioner of Emergency Services and Public Protection and the Chief State's Attorney.

In conclusion, the Mashantucket Pequot Tribe would urge the passage of this legislation and supports it as an opportunity for cooperation between the two jurisdictions in what should be a very efficient and effective manner.