



Testimony of the Confederated Tribes of the Umatilla Indian Reservation
House Committee on Judiciary
SB 731A
May 20, 2021

Chair Bynum, Vice Chairs Noble and Power and members of the House Judiciary Committee:

My name is Corinne Sams and I am an elected member of the Board of Trustees for the Confederated Tribes of the Umatilla Indian Reservation. Thank you for allowing me to provide testimony from the Umatilla Reservation today to urge your support for SB 731A, to clarify tribal sovereignty over tribal police officers, while maintaining the state's jurisdiction outside of Indian Country.

Seven of Oregon's nine federally recognized tribes have tribal government police forces. The oldest has kept the peace since 1866 on the Warm Springs Reservation, more than a half century before the Oregon State Police was founded. The Columbia River Inter-Tribal Fisheries Enforcement also polices fishing rights along a 147 mile stretch of the Columbia River. Federally recognized Indian tribes have our own police departments to keep people safe within Indian Country, as well as our own governmental institutions--including tribal courts--to hold tribal police officers accountable for any misconduct.

Prior to 2011, tribal police officer authority to arrest suspects when they traveled off-reservation, even in hot pursuit, was unclear. This truth was laid bare in *State v Kurtz*, where the Oregon Court of Appeals found that tribal police were not "peace officers" for purposes of Oregon's criminal laws. Kurtz, a non-Indian who had initiated a high speed chase on the Warm Springs Reservation, resisted arrest and assaulted a tribal police officer, was released from custody because he was stopped a few yards outside the Reservation.

In response, 2011's landmark legislation, Senate Bill 412, which recognized tribal police officers as "peace officers" under Oregon law, passed with bipartisan support.

However, the way SB 412 is structured in Oregon statutes, often tribal officers are pulled into any legislation referring to "peace officers," even when the intention is not to tell Tribes how to regulate their own officers on reservation.

SB 731A addresses these sovereignty issues by making it clear that SB 412 requires tribal officers to comply with state regulations when engaging in off-reservation conduct and does not apply when a tribal officer is engaging in on reservation conduct or otherwise within the sovereign jurisdiction of a tribal nation. This gives proper respect for both state and tribal sovereignty.

CTUIR and Warm Springs worked closely with DPSST to address their concerns with the introduced bill, and SB 731A reflects our joint agreement to maintain regulations for tribal officers in Oregon statute, including our commitment to share information with the state about why a tribal officer is terminated.

Like you, federally recognized Indian tribes have concerns about what is appropriate police conduct, and we want to ensure that when addressing these issues we can do as sovereign nations. SB 731A recognizes our ability to do that and is another example of our Government-to-Government Relationship codified 20 years ago in Senate Bill 770. The bill passed the Senate unanimously and we urge your support in the House, as well.

Thank you for your time and consideration. If you have any technical questions, I am honored to be joined by Warm Springs Tribal Attorney, Howie Arnett, to help answer them.