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The Martha's Vineyard Times

Feds Question Tribe on Police Grant

By Nelson Sigelman

Sparked by a story in The Martha's Vineyard Times, federal officials have asked the Wampanoag Tribe of Gay Head (Aquinnah) for clarification of information supplied in a successful grant application for funds to start a tribal police force.

In September, Sen. Edward M. Kennedy's office announced that the tribe had received a \$274,436 federal grant from the U.S. Department of Justice community oriented policing services (COPS) tribal grant program.

Included in the grant was money for, among other things, training academy tuition, three sets of shirts and shorts, Gore-Tex raingear, three badges and nameplates, three security holsters, two portable vehicle computers, three portable radios, one four-wheel-drive truck equipped with a police accessory package, an all-terrain vehicle, an 18-foot Boston Whaler boat, cold-weather clothing, and three bulletproof vests.

But an examination by The Times of the grant application revealed that tribal officials were willing to stretch the limits of the tribe's existing law enforcement authority and areas of jurisdiction. Those inconsistencies were noted in a story published on Nov. 4 (www.mvtimes.com/online_folder/wampanoag.htm).

In a letter dated Dec. 4, 2000, to Laurie Perry, tribal administrator, Rebekah Dorr, COPS grant program specialist, said that "after reading the article a few questions arose."

Ms. Dorr writes, "The COPS office recognizes that Federally recognized Indian tribes have the inherent sovereign authority to police tribal members on tribal lands. We also recognize that the Wampanoag Tribe of Gay Head (Aquinnah) has concurrent jurisdiction with the state of Massachusetts over tribal members on tribal lands involving civil and criminal law as long as such jurisdiction is consistent with the state laws of Massachusetts."

Ms. Dorr said that since by statute the COPS office can only fund career law enforcement officers, the tribe provided assurance that officers hired under the grant would be "sworn law enforcement officers with full police powers ... and would engage in or supervise the prevention, detection, or investigation of violations of criminal laws."

The grant was to be used in order to transform tribal natural resources rangers into a full-time police force with arrest powers for the approximately 1,000-member tribe.

Currently, the rangers only have the authority to enforce tribal conservation and hunting regulations and have no formal arrest powers except when granted authority by the Aquinnah police chief as designated special police officers.

Seeking the Facts

Ms. Dorr asked the tribal administrator to provide within 30 days from the receipt of the letter a written response on three specific points.

The tribe was asked to confirm its intention to hire career law enforcement officers and provide “any applicable tribal resolutions, codes and or ordinances recognizing the conservation officers’ law enforcement authority.”

It was also asked to confirm that the officers hired “will exclusively patrol tribal lands unless the tribe enters into an official memorandum of understanding with “non-tribal police departments which clearly outlines jurisdictional issues.”

Under an existing agreement signed in 1995 and recently updated, the town of Aquinnah provides police and fire protection on the tribe’s approximately 400 acres, which includes the tribal housing complex and administration building. That agreement calls for quarterly and annual meetings.

The Justice Department letter also asks that the tribe “provide the service population that tribal law enforcement officers have primary law enforcement jurisdiction over, including only the service population on tribal lands. This number can include non-tribal members that are present on tribal land for the reasons outlined in your application. However, do not include in this figure any non-tribal land that is already serviced by another police department.”

Not Quite Right

The request by federal officials for further information has to do with the answers contained in the tribe’s original grant application.

The first application question asked, “Instead of providing your own law enforcement services, does your tribe contract with a local law enforcement agency for services?”

The tribe answered no, despite an existing agreement with the town that provides for emergency services.

Asked to provide the “service population” for which the police would have “primary law enforcement authority, excluding the population “primarily served by other law enforcement agencies within your jurisdiction,” the tribe wrote: “15,000 in winter, 111,000 in summer.”

The Nov. 2 report in The Times pointed out that those figures represent the entire Vineyard’s winter and summer population for all six Island towns, each of which has a police department.

Asked to describe the land base service area, excluding square miles served by other law enforcement agencies within the tribe’s jurisdiction, tribal officials answered “20 square miles” despite the fact the tribe has jurisdiction over 400 acres in the smallest town on the Island.

Asked in the application questionnaire to describe other populations adjacent to or traveling through the area that would necessitate the need for an additional officer, the tribe responded, “There is a great influx of tourists that frequent areas under ownership of the tribe. Local municipal authorities have limitations both during the summer tourist season and the hunting seasons throughout the fall and winter months, hence the need for an additional officer.”

Jurisdiction Questioned

The insistence by tribal rangers that they be allowed to carry firearms and the tribe's effort to create a separate police force in the Vineyard's tiniest and westernmost town has led to friction between Aquinnah police chief Doug Fortes and tribal rangers. That resulted in the resignation last week of two rangers as special police officers after Mr. Fortes asked selectmen to take action and revoke the rangers' special status. Mr. Fortes has raised questions of jurisdiction and public safety in the up-Island town in connection with the tribe's plan to establish its own police force. Tribal officials could not be reached for comment on the letter from Ms. Dorr.