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The Martha's Vineyard Times

Feds Sign Off on Tribal Police

By Nelson Sigelman

The Wampanoag Tribe of Aquinnah (Gay Head) will go forward with plans to create a tribal police force, after reassuring federal officials of the tribe's plans to properly implement all of the requirements of a grant from the U.S. Department of Justice community oriented policing services' (COPS) tribal grant program (TRGP).

Federal officials had asked for further clarification of information supplied in a grant application that netted the tribe \$274,436 to start a tribal police force, after reading a news story published in the Nov. 2, 2000, issue of The Martha's Vineyard Times. The story (available online at www.mvtimes.com) examined broad claims contained in the tribe's original grant application regarding its existing law enforcement authority and areas of jurisdiction.

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 asked for a response to three questions regarding information supplied by the tribe in the grant application.

Ms. Perry offered a detailed response to each of the three questions in a letter dated Dec. 20, 2000. That was enough to satisfy the COPS office. On Jan. 10, 2001, Ms. Dorr wrote that based on the information provided "it appears that the tribe is planning to properly implement the COPS TRGP 2000 grant award."

Referring to the tribe's grant application, David Buchanan, COPS public affairs spokesperson, said the tribe "did not represent themselves in a way that would jeopardize funding."

Mr. Buchanan said the department would continue to monitor the Wampanoag grant, just as all grants are monitored, "mostly as a protection against the taxpayers' investment in Martha's Vineyard, but also to ensure that they are fulfilling the grant requirements."

No Guns

This week, Ms. Perry said the tribe would move "slowly and methodically" to create a tribal police force. She said the tribe would keep the town informed of progress and expected to work cooperatively in the future to share tribal police resources.

Ms. Perry said the tribe's current tribal rangers would not necessarily become tribal police. She said the tribe would first hire a professional police administrator.

Asked if the tribal police would carry weapons, a recent point of contention between tribal rangers and the town police chief, Ms. Perry said, "They will not be armed."

Ms. Perry said tribal police would enforce hunting and fishing ordinances "on tribal lands only, over tribal members only."

Asked why, if that is the case, the grant application contained a request for bullet proof vests, among other law enforcement gear, she repeated, "It was always the intent to

enforce hunting and fishing regulations on tribal lands on tribal members. That was always the intent.”

Ms. Perry said any effort to arm the police would have to comply with state regulations and codes. State law gives local police chiefs the authority to issue gun permits.

The insistence by tribal rangers over the summer that they be allowed to carry firearms had led to friction between Aquinnah police chief Doug Fortes and tribal rangers, who were also designated special police officers. That resulted in the resignation of two rangers as special police officers, after Mr. Fortes asked selectmen to take action and revoke the rangers’ special status.

Tribal-town distinctions blur easily in the Island’s smallest community. Of the three town selectmen, one is a tribal member and another is married to a tribal official. Three of the town’s police officers, including Mr. Fortes, are tribal members.

Ms. Perry said that the tribe would continue to work cooperatively with all of the Island’s law enforcement agencies as it had in the past.

A Few Questions

In her letter dated Dec. 4, Ms. Dorr asked the tribe to confirm its intention to hire career law enforcement officers, confirm that the officers would exclusively patrol tribal lands, and to define the service population that tribal officers have primary law enforcement jurisdiction over, including only the service population on tribal lands.

The request by federal officials for further information had 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.”

Those figures represent the entire Vineyard’s winter and summer populations 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 that the tribe has jurisdiction over 400 acres in the smallest town on the Island.

In her written response to Ms. Dorr, Ms. Perry pointed to The Times and the Aquinnah police department as the source of any possible misunderstandings.

She wrote, “In regards to this matter, I hope that this is not going to set an example for every tribe across the nation that is faced with adversarial press and opposition from non-tribal law enforcement agencies who are trying to hinder tribes in their efforts to exercise sovereignty over their people.”

She added the Wampanoag tribe “was not negligent or misleading in its application for funding. The interpretations of the tribe’s answers by the press of Martha’s Vineyard or even the Aquinnah police department are just that. They do not have first hand

knowledge of the Wampanoag tribe's needs, as they have not been involved in this process. It is our desire to facilitate co-existence, cooperation and benefit by collaborating and by pooling resources to the fullest extent."

Reminded in a telephone conversation that The Times had simply quoted the tribe's own grant application, Ms. Perry said the answers were simply meant to refer to the assistance provided by the tribe to other jurisdictions when called upon and were not intended to misrepresent the tribe's own jurisdiction. She said better communication at the time the story was written would have provided a clearer picture of the tribe's intent.

A Few Answers

Asked by Ms. Dorr to confirm the tribe's intent to hire "career law enforcement officers," Ms. Perry said the tribe had clearly stated "it supports the development of a tribal conservation law enforcement program, which includes sworn tribal officers to enforce tribal laws on tribal lands."

She pointed to two separate resolutions passed by the tribal council as evidence of that intent.

According to Mr. Buchanan, the term, "career law enforcement officer," is a generic term that refers to law enforcement officers who have arrest authority and law enforcement authority within their jurisdiction. He said in terms of the Wampanoag tribe, that term could include tribal rangers who at the moment are authorized to enforce tribal game laws on tribal lands but have no other law enforcement authority.

Ms. Perry said the tribe has no intention of patrolling lands outside tribal ownership without first implementing a memorandum of understanding. But she added that when applicable, the tribe envisions mutual aid agreements that would allow "for the sharing of law enforcement services between governments."

Asked to provide the service population that tribal law enforcement officers have primary law enforcement jurisdiction over, including the service population on tribal lands, Ms. Perry said tribal membership consists of "approximately 992 enrolled members," all of whom have access to tribal lands for the purposes of conducting traditional cultural activities. She said 100 tribal members live in tribal housing units on tribal lands and 55 tribal employees and contractors access the tribal buildings and lands daily.

In addition, she said, thousands of visitors as well as Island residents visit the Gay Head Cliffs, many along the popular Martha's Vineyard Land Bank's Moshup's Beach. The tribe has jurisdiction over the cliff face and not the beach, which is owned by the town. Ms. Perry also referred to the tribe's common lands along Lobsterville Beach. She said, "This area is one of the Island's premier fly fishing areas, and during the fishing season hundreds of fishermen access this area night and day."

Parking along the long Lobsterville Beach is severely restricted by the town, and tribal lands are posted with no trespassing signs.

She added that, "on numerous occasions, tribal officers have been called upon to assist other federal and Island-based law enforcement agencies with unexpected emergencies (hurricane response, search and rescue operations, medical emergencies) all over the Island and in its surrounding waters."

Well Fitted Out

Based on hiring three officers, the grant provides money for among other things, uniforms (\$2,235); Gore-Tex raingear and outerwear (\$1,605); dress leather boots (\$375); badges (\$420); bullet-proof vests (\$1,935); a new police car (\$28,875); a Polaris Sportsman 500 all-terrain vehicle (\$7,000); an 18-foot Boston Whaler boat (\$20,000), cold-weather clothing, and three bulletproof vests.

COPS program grants are for three years and include requirements that the recipient contribute 25 percent of the costs and agree to continue to fund any new officers hired with grant money.

As part of the latest award, the tribe faced a matching requirement of \$144,759, but that was waived based on the tribe's claim of "fiscal distress."

Under the terms of the grant, the tribe would hire two full-time officers and one part-time officer. All three officers would receive training at state and federal police schools.

The cost of two full-time officers would be \$40,635 each in salary and benefits for the first year and rise to \$44,000 in the third year. Salary and benefits for one part-time officer would be \$19,740 in the first year.