



# LEECH LAKE BAND OF OJIBWE

## Legal Department

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March 14, 2023

Minnesota House of Representatives  
Public Safety Finance and Policy Committee  
100 Martin Luther King Jr. Blvd.  
Saint Paul, MN 55155

Re: Written Testimony in Support of HF 2173

Dear Chair Moller and Public Safety Finance and Policy Committee members,

My name is Christopher Murray and I am the Legal Director for the Leech Lake Band of Ojibwe. I am writing today in support of HF 2173 to authorize concurrent law enforcement authority for Minnesota Tribal Governments on Reservations subject to Minnesota criminal jurisdiction under Public Law 83-280. HF 2173 accomplishes the goal that the Leech Lake Tribal Police Department has been pursuing independently for several legislative sessions. Last session a bill that would have accomplished this goal for Leech Lake was included in the Public Safety Omnibus Bill that did not receive a vote. Now the Minnesota Legislature has the opportunity to recognize Tribal Government Law Enforcement authority statewide.

Leech Lake's previous attempts to gain equal recognition of law enforcement authority have been met with opposition and hyperbole from some county sheriffs. Letters to legislators warned of non-Indians being subjected to tribal laws in tribal courts and uncertainty for non-Indians living on Reservations. However, these fears are unwarranted and exaggerated. The Leech Lake Band of Ojibwe does not have criminal laws to enforce against anyone and federal law prohibits the exercise of criminal jurisdiction by Indian tribes against non-Indians.<sup>1</sup>

Leech Lake Tribal Police Department ("LLTPD") officers enforce Minnesota criminal law according to the authority provided in Minnesota Statutes<sup>2</sup> and a Cooperative Law Enforcement Agreement between the Leech Lake Band of Ojibwe, the four counties sharing geography with the Leech Lake Reservation, the City of Cass Lake, and the State of Minnesota. These officers have the same training and follow the same standards as every other licensed peace officer in Minnesota. Any person (tribal members, non-member Indians, and non-Indians) charged with a crime is

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<sup>1</sup> *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978).

<sup>2</sup> 2022 Minn. Stat. § 626.93.

prosecuted in a Minnesota court by a county prosecutor and anyone detained is held in a county jail operated by a county sheriff.

LLTPD Officers work on a number of task forces in the area that include county sheriff's deputies, municipal police officers, and federal agents and are accepted as equal members of these teams. Many sworn officers move on from the LLTPD to other law enforcement agencies locally and across the state. These officers require no additional training to join these POST licensed agencies because of the high level of ongoing training LLTPD officers receive.

In addition to criminal law enforcement, LLTPD officers fulfil a similar role to county sheriffs related to Leech Lake civil laws. Officers serve civil process and other writs from the Leech Lake Tribal Court. These duties are taken just as seriously as the criminal enforcement duties under Minnesota law. My interactions with LLTPD officers relate to these matters and their caution for respecting individual rights of all parties involved is paramount. These officers are often the mediator for difficult housing disputes and other non-criminal domestic disagreements.

The discretion to use criminal charges in remote areas of the Reservation is often the tool necessary to avoid escalating disputes. When tribal officers determine a criminal offense has been committed, concurrent jurisdiction provides the ability to collect evidence and begin investigations without having to call a county sheriff or worry about whether the investigation is within their jurisdiction. Concurrent jurisdiction ensures that county prosecutors can gain convictions for crimes occurring on Minnesota reservations.

HF 2173 will ensure that crimes committed on rural Minnesota reservations can be identified and prosecuted effectively by Tribal police departments that have connections to the Reservation communities they serve. Allowing tribal police departments to enter cooperative law enforcement agreements on an equal playing field recognizes that tribal officers are equally qualified and trained as every other sworn peace officer in Minnesota. I encourage you to vote yes on House File 2173 and remove the requirement for paternalistic agreements that perpetuate the myth that tribal police are different than other police in Minnesota.

Respectfully Submitted,



Christopher Murray

Legal Director

Leech Lake Band of Ojibwe