

**TRANSCRIPT OF TELECONFERENCE
JUNE 17, 2020**

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PARTICIPANTS:

**Tara Sweeney, Assistant Secretary, Indian Affairs,
United States Department of Interior**

**Douglas L. Hoelscher, Deputy Assistant to the
President, Director of Intergovernmental
Affairs, Washington, D.C.**

Harold Frazier, Chairman, Cheyenne River Sioux Tribe

**Charles Addington, Director, Office of Justice
Services, Bureau of Indian Affairs**

Kyle Scherer, Deputy Solicitor of Indian Affairs

Darryl La Counte, Director, Bureau of Indian Affairs

**Tim LaPointe, Great Plains Regional Director of the
Bureau of Indian Affairs**

**Jim James, Deputy Bureau Director, Bureau of
Indian Affairs**

Jason O'Neal, Office of Justice Services

1 TARA SWEENEY: Uh, this is Assistant
2 Secretary Tara Sweeney. On the line we have
3 Charlie Addington, Kyle Scherer, Darryl La
4 Counte, Tim LaPointe, Jim James and Jason
5 O'Neal, uh, all with, uh, B.I.A., Indian
6 Affairs, and B.I.A., O.J.S., uh, and I believe
7 at some point Doug Hoelscher, uh, with the
8 White House may be calling in.

9 DOUGLAS HOELSCHER: Hi, Assistant
10 Secretary, I'm here.

11 TARA SWEENEY: Oh, welcome, Doug.

12 HAROLD FRAZIER: Okay. Thank you.

13 TARA SWEENEY: Sure. Uh, and, uh, I -- I
14 assume, uh, based on our previous calls we have
15 representatives from your office and the Tribal
16 Council on the line?

17 HAROLD FRAZIER: Yes, ma'am.

18 TARA SWEENEY: Okay. Uh, you know, first
19 and foremost I want to start off, uh, simply
20 by, uh, thanking you for remaining, uh, engaged
21 on this issue as we work through, uh, two
22 primary issues, uh, and -- and the driver for
23 our discussions that began on June 7, uh, has
24 been the health and the safety and the
25 well-being of the Cheyenne River Sioux Tribe,

1 uh, your tribal citizens and certainly your
2 communities, and, uh, from my perspective I
3 believe that we have engaged in some very
4 positive dialogue that allows, uh, both Indian
5 Affairs and the tribe to exchange information
6 and understand the decisions for both of our
7 organizations. And for that I am thankful for
8 this, uh, exchange.

9 I want to reiterate that I am committed to
10 finding a solution and I do believe, uh, we --
11 we need some resolution.

12 HAROLD FRAZIER: Okay. Yeah, we -- oh, go
13 ahead.

14 TARA SWEENEY: No.

15 HAROLD FRAZIER: Go ahead. I'm sorry I
16 cut you off.

17 TARA SWEENEY: No, sorry to interrupt.

18 HAROLD FRAZIER: Well, I thank you guys
19 for allowing us to visit with the doctor on --
20 on Monday. Um, after, uh, listening to her and
21 things like that, I think it's for us and
22 looking at the technology that, um, you guys
23 proposed, uh, uh, you know, things like that
24 will just not set into the program that we are
25 doing as far as tracing and stuff like that.

1 TARA SWEENEY: Uh, I'm sorry to hear that.
2 Uh, as you know, uh, B.I.A., O.J.S., uh, has
3 offered to, uh, provide the -- the technology
4 that includes the, um, video monitoring system.
5 Uh, they were and -- and are willing to provide
6 four monitoring equipment stations at each end
7 of the reservation, uh, and four license plate
8 readers, also located at each end of the
9 reservation.

10 Uh, B.I.A. is, uh, also willing to
11 supplement, uh, the -- the technology portion
12 with additional officers along, uh, U.S. 212,
13 and, uh, South Dakota 63 at locations that, uh,
14 are chosen by, uh, the tribe and -- and
15 strategically located so that if, uh, there are
16 travelers who attempt to leave those main
17 arteries, that they are in a position to -- to
18 help the tribe respond, uh, and, you know,
19 looking at the enhanced mitigation efforts, uh,
20 with Dr. Birx, uh, and -- and the continued
21 relationship working with the tribe on those
22 types of mitigation efforts, uh, if the support
23 was needed. Uh, I think that's the -- the kind
24 of package deal that we were, uh -- we -- we
25 put forward, uh, for consideration by the

1 tribe, so I just want to make sure, uh, that
2 there's a clear understanding of what we have,
3 um, put forward and that, uh, based on that
4 understanding, uh, the tribe has declined to
5 accept those services.

6 HAROLD FRAZIER: 'cause do you have like
7 over 15 -- over 500 officers available? And --
8 and the reason why I say that is when you
9 travel along them highways you are referring
10 to, there is so many outlets on them roads that
11 where people could get off on and -- and make
12 contact with -- with the residents of this
13 reservation. I mean, this is a large road, you
14 know, and, I mean, I don't know if you have the
15 -- the resources to do that, to ensure that
16 nobody is getting off these roads 'cause there
17 is so many back roads, uh, on these, uh, two
18 highways.

19 DOUGLAS HOELSCHER: Mr. Chairman, this is
20 Doug Hoelscher. Uh, I grew up in rural Iowa
21 which I think I mentioned, uh, uh, uh, on one,
22 on one of our previous cases, and so I -- I --
23 I get the lots of back roads that, uh, going to
24 different landscapes, but, uh, I imagine just
25 as like where I grew up there is -- there is a

1 couple probably main, uh, turn-offs that lead
2 to the -- the majority of your population, and
3 I think this is all about res space and I think
4 what you heard from Dr. Birx and the health
5 professionals is that they have real concerns
6 about the way that you are doing this, you
7 actually could be increasing the risk for your
8 citizens, uh, which is something that, uh, uh,
9 uh, I don't think any of us should be in favor
10 of, um so if there is any -- uh, I imagine
11 there, on your reservation there is some
12 pockets of -- of -- of population that have,
13 I'm guessing has the bulk of your -- your
14 population there on the reservation, and so
15 it's really a matter of using those, uh, those
16 additional, uh, uh, officers to be at strategic
17 points on the reservation, uh, to -- to, uh, to
18 get that 80 percent.

19 HAROLD FRAZIER: Well, you know, I -- I
20 think that it's important that, you know, why
21 we're doing this and that is to keep our people
22 safe, and what we are doing, they feel safe.
23 Uh, if we were to, uh, do what you guys are
24 recommending, then again, we would prefer, uh,
25 officers 24/7 on every point that they could

1 access from 'cause trust me, we see it where,
2 uh, people eventually, uh, with Google, with
3 every GPS system and things like that, people
4 are, we know about, they, a lot of travelers
5 already have their routes cut out and -- and
6 they know back roads because that's one of the
7 things, uh, we don't have, uh, you know, to
8 watch every road, uh, every entry point into
9 our reservation, so there has been lot of, uh,
10 uh, out-of-state travelers that have been
11 popping up, uh, within our reservation and --
12 and we check into it, they have not went
13 through a check point and, uh, you know, uh,
14 and so that's how they're coming through is
15 through one of them roads, you know, that are
16 on now GPS and stuff so it's been definitely a
17 challenge, you know, to monitor every entry
18 point, and then that's, why, uh, if we were
19 going to do something like this, we would
20 definitely need, uh, personnel 24/7 at every
21 one of these, you know, and -- and I'm just
22 doing a rough estimate.

23 That's probably 500 officers just for, uh,
24 one shift because now really thinking more
25 about it, there is so many, uh, uh, places

1 along these highways that people could get off
2 on and -- and come and mingle amongst our
3 people.

4 DOUGLAS HOELSCHER: Well, Mr. Chairman, it
5 seems like you, uh, you're, uh, declining the
6 offer for the enhanced technology and enhanced
7 support for the (inaudible) on check point.

8 Maybe we could, uh, just, uh, pivot the
9 conversation to, uh, your tribe has gotten way
10 out of compliance on, uh, the law enforcement,
11 um, not having the right records on hand, not
12 doing the, um, the background checks and
13 therefore, you have, uh, endangered, uh, the
14 people that you are elected to serve, uh, and
15 so how can we get into compliance on, uh, your
16 law enforcement so, um, you have law
17 enforcement that has -- has the required
18 background checks and the -- the, uh, the
19 required uh, uh, uh, training documentation and
20 make sure that's up and current so your people
21 are served safely by their public safety
22 officers?

23 I know, Tara, maybe you and your team can
24 talk a little bit about your commitment to help
25 do that, and I know that, uh, you know, in

1 other circumstances, uh, um, you maybe have not
2 been so patient but you have been very patient,
3 I think, with a tribe that has gone greatly out
4 of compliance with their previous commitments,
5 so how can we work together to address those
6 things?

7 TARA SWEENEY: Thank you, uh, thank you,
8 Doug. I do have an update, Chairman, that I
9 would -- I -- I just kind of want to walk you
10 through a summarized timeline and, um, just
11 provide the background information on the law
12 enforcement component.

13 HAROLD FRAZIER: Okay.

14 TARA SWEENEY: So, you know, on right
15 around May 30th, May 31st, uh, we had officers
16 travel to, uh, the reservation on a
17 fact-finding mission, and as you know, as I
18 stated in the previous letters, um, during that
19 time, uh, check point operators were
20 representing themselves as tribal law
21 enforcement, uh, which raised concerns, uh, and
22 we, uh, we sent a letter, uh, outlining those
23 concerns, and, um, the potential for an
24 emergency reassumption of law enforcement
25 services if these, uh, issues weren't

1 addressed, and then, uh, our law enforcement,
2 uh, traveled to the reservation to do, uh, some
3 -- some inspections of the files and in that --
4 uh, during that time is where, uh, it was
5 discovered that 22 of the 26, uh, tribal law
6 enforcement officers did not have the
7 appropriate background documents, uh, in their
8 files, uh, and that ten of the 26 of the tribal
9 officers did not have, uh, complete records of
10 the required basic training.

11 Uh, we -- we again sent correspondence
12 notifying the tribe of the programs'
13 deficiencies and the high liabilities, uh, with
14 respect to the 638 contract, uh, and I believe
15 O.J.S. has, uh, communicated with the tribe
16 that in order for the tribe to retain its law
17 enforcement contracts or to avoid emergency
18 re-assumption, there were some immediate steps
19 that needed to take place, uh, including
20 having, uh, uh, officers have a favorable
21 background investigation rating that's
22 completed and adjudicated by trained and
23 qualified security personnel, uh, that the --
24 they have to see the performance of law
25 enforcement duties for the officers who do not

1 -- who have not successfully completed an
2 approved basic officer training program, uh,
3 and, uh, that, uh, the -- any sort of patches,
4 badges, insignia on the -- the uniforms or
5 clothing of, uh, tribal employees needed to --
6 to be removed and -- and all of that is -- is
7 uh, also driven by, uh, the need to ensure, uh,
8 that your law enforcement officers are
9 protected, uh, from, um, liability under the
10 Federal Tort Claims Act, and, uh, my concern is
11 that being out of compliance with the 638
12 contract, they may be held personally liable
13 for their actions and so, uh, I instructed
14 B.I.A., O.J.S. to work cooperatively with the
15 tribe and provide technical and manpower
16 assistance as needed if requested by the tribe,
17 and I want to underscore, uh, if requested by
18 the tribe, uh, and -- and that's important to
19 me, uh, because, uh, of the comments that you
20 had made earlier in our conversations about the
21 concern for, uh, a B.I.A., O.J.S. presence on
22 the reservation because of some very
23 deep-seated history with the department, and,
24 um, but be -- I -- I also want to, uh, clarify
25 that if the tribe requests assistance, uh,

1 B.I.A., O.J.S. has offered to conduct and
2 adjudicate these background investigations, uh,
3 for the tribal employees hired under the
4 contract that may not have, uh, the appropriate
5 documentation in their files.

6 Uh, also if requested by the tribe, um,
7 B.I.A., O.J.S. will, uh, temporarily detail
8 officers, uh, to the tribal police department
9 to provide supplemental services during the
10 completion of the corrective actions, uh,
11 activities.

12 And then, uh, if requested by the tribe,
13 B.I.A., O.J.S., uh, has also offered to assist
14 all untrained personnel under this contract
15 and, uh, they have, uh, they have indicated to
16 me that the training can start as soon as July
17 6th of this year, and so those were the actions
18 that I know B.I.A. has been -- uh, B.I.A.,
19 O.J.S. has been involved with since we began
20 our conversations and -- and I do also want to
21 recognize where the tribe, uh, has been
22 accommodating, so, you know, on -- on June 9
23 you -- the tribe furnished and provided access
24 to these law enforcement files for inspection
25 by B.I.A., O.J.S.

1 Uh, you -- the tribe has also agreed, uh,
2 to rescind the law enforcement deputation of
3 the tribal employees working at the check
4 points and again, as I stated, removing all law
5 enforcement insignia from their uniforms or,
6 uh, their attire.

7 Uh, and it's been reported to me that on
8 June 16 the B.I.A., O.J.S. staff traveled, uh,
9 to the reservation and met with the tribe's
10 attorney general, uh, the chief of police and
11 H.R. office regarding the contract deficiencies
12 and discussed the immediate actions that need
13 to take place to ensure that there is contract
14 compliance, uh, and during that time, uh, there
15 -- during the inspection period, again,
16 highlighted the need for the ten of the 26 and
17 the 22 of the -- or 21 of the 26, uh, to have
18 the appropriate documentation with respect to
19 training or background investigation.

20 Uh, B.I.A., O.J.S. has offered to send
21 additional staff again to assist the tribe in
22 completing these, uh, requirements, uh, and,
23 you know, B.I.A., O.J.S. has reported to me
24 that the tribe's human resource officer --
25 offices are, uh, working, uh, with B.I.A.,

1 O.J.S. to, uh, take the steps necessary, uh, to
2 come into compliance, uh, and -- and so I feel
3 like we're making progress on that front, and I
4 appreciate the, uh, the engagement and the good
5 faith the tribe has shown to come into
6 compliance, um, (coughing), excuse me.

7 These types of measures will help the
8 tribe retain its law enforcement program, uh,
9 and maintain its focus on public safety on the
10 reservation, and I -- what I want you to know
11 uh, as we, um, continue our conversation, that
12 I have instructed B.I.A., O.J.S. to provide me
13 with a compliance project plan and weekly
14 report so that my office can track the progress
15 towards full compliance, and, uh, as we
16 continue along this path working cooperatively
17 towards compliance so that the tribe can retain
18 its 638 contract and address the, uh, issues
19 that have been raised. So I welcome your
20 concurrence to close this matter until such
21 time that warrants further discussion.

22 HAROLD FRAZIER: Yeah, I -- I agree with
23 that. We had a -- I met briefly with the,
24 uh, the B.I.A. personnel yesterday and -- and I
25 thought our discussion went real well. Uh, we

1 will be following up in writing today and we
2 will get that sent to you on our request
3 because, uh, we -- we seem to -- everybody
4 seemed to have a pretty good game plan, and --
5 and, you know, back in 2015, I mean, this was
6 way before your time, uh, uh uh, Tara, but back
7 then, you know, we -- we -- they did a review
8 and -- and we were working on it and I have
9 several letters that I produced and I can still
10 produce copies of them where, uh, we asked for
11 such assistance back in '15, '16 and '17 to,
12 you know, help us get that resolved and I -- I
13 haven't, I have been researching in our stuff
14 to -- because at some point we -- we have to
15 have been in compliance because, uh, you know,
16 the B.I.A. had stopped talking even though
17 they're required to come every year to review
18 our contract, but anyway, regardless, uh, glad
19 that is finally happening because I did write
20 some letters in the past to ask for assistance
21 and -- and we will be looking forward to
22 working with you guys to resolve these, uh, uh,
23 issues.

24 DOUGLAS HOELSCHER: Yes, and Chairman,
25 Doug Hoelscher again. like I said, I can't do

1 anything, uh, uh, with what the Obama
2 Administration did or did not do, um, but you
3 have my commitment to make sure that we work
4 again to get this going, and I hear a lot fear
5 from -- from Tara and Charlie and their team at
6 B.I.A. but again, you guys also have
7 responsibility of meeting those contractual
8 requirements, uh, and which aren't happening
9 right now so your leadership and partnership to
10 help make that happen are really important.

11 HAROLD FRAZIER: Oh, yeah, yes, sir, you
12 betcha. Yeah, we're -- well, we're committed
13 too, we don't want to be out of compliance on
14 anything. We want to, uh, live up to the
15 agreements that we made and that's something
16 that we will definitely work hard to resolve.

17 TARA SWEENEY: Okay. I -- I certainly
18 appreciate that. Uh, Chairman, do you have any
19 -- any additional questions or comments for,
20 uh, Indian Affairs?

21 HAROLD FRAZIER: Not at this time other
22 than can you guys fix our roads?

23 TARA SWEENEY: Uh, you know, I -- I can --
24 the Regional Director, uh, Tim LaPointe, can
25 tell you that we have had, uh -- I have made

1 requests for, uh, the Great Plains
2 Transportation Plan and I have been digging in
3 and asking questions and looking at authorities
4 and funding formulas so this transportation,
5 uh, issue and on your reservation is something
6 that is a topic of -- of analysis and
7 discussion.

8 HAROLD FRAZIER: Oh, good.

9 TARA SWEENEY: I didn't hear you.

10 HAROLD FRAZIER: Oh, I did, I -- I did
11 submit a letter a while back asking for copies
12 of any easements and stuff that you guys would
13 have on these two particular roads. Uh, I
14 haven't received anything yet and I don't know
15 if our letter got lost or what but we can
16 re-send that letter, uh, asking for copies of
17 any easements pertaining to these two roads.

18 TARA SWEENEY: No, your letter did not get
19 lost. Uh, I have received that letter, uh,
20 and, you know, we are continuing to, uh, pull
21 together the information, the any sort of
22 analysis that -- that we have and, you know, I
23 also welcome, if you have, uh, documentation
24 that you would like for us to consider in our
25 discussions, I welcome that and would encourage

1 you to submit that to the Regional Director,
2 Tim LaPointe.

3 HAROLD FRAZIER: Oh, okay. Okay. Yep,
4 sure will. Thank you.

5 TARA SWEENEY: Yes, I will, uh -- I will
6 be sending you a letter, uh, that just kind of
7 sums our conversation here, uh, along with the
8 timeline that I -- that I, uh, recently
9 conveyed.

10 HAROLD FRAZIER: Okay. Thank you.

11 TARA SWEENEY: Okay. Thank you and thank
12 you for your time.

13 HAROLD FRAZIER: Yep. You guys all have a
14 good day. Thank you, guys.

15 (End of teleconference.)

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- C E R T I F I C A T E -

STATE OF NEBRASKA)
)
COUNTY OF DOUGLAS) ss.

I, Bonnie Price, Court Reporter and General
Notary Public of the State of Nebraska, do hereby
certify that the foregoing is a true and correct
transcript of the teleconference held on June 17,
2020, to the best of my ability and knowledge;

That I am not a relative or an attorney of
either party or otherwise interested in the event of
any action or proceeding.

Dated this 17th day of June, 2020.

GENERAL NOTARY PUBLIC

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