

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

May 17, 2005

Honorable Senator Alan J. Lasee, Co-Chair
Wisconsin Joint Legislative Council
Room 219 South
State Capitol
P.O. Box 7882
Madison, Wisconsin 53707-7882

Re: Joint Legislative Council Draft WLC 0127/3 (Recommended by the Special Committee on State-Tribal Relations)

Dear Senator Lasee,

I am writing to you about the above-referenced draft bill that the Council will consider at its June 1, 2005, meeting. It relates to the conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). Despite 20 years of providing cooperative law enforcement and emergency services to Wisconsin's guests and citizens, the statutes do not afford GLIFWC wardens the same protections afforded to other law enforcement officers and do not authorize state-certified GLIFWC wardens to assist state and local agencies in times of need. By addressing these deficiencies, this bill would enhance both our wardens' safety and overall public safety in the northern third of Wisconsin.

GLIFWC is the Chippewa Tribes' primary off-reservation enforcement arm regarding their treaty hunting, fishing and gathering rights in Northern Wisconsin (*see* enclosed map of Wisconsin 1837 and 1842 treaty ceded territories). It serves as an intertribal, non-political entity to ensure fair, uniform and effective enforcement of the Tribes' off-reservation conservation codes approved in what is commonly known as the Voigt case. In addition, it provides primary coordination with the Wisconsin Department of Natural Resources (DNR) wardens who also are authorized to enforce the tribal off-reservation conservation codes.

GLIFWC employs 20 wardens, 13 of which are stationed in Wisconsin on the Chippewa reservations. This bill deals only with our activities in Wisconsin although GLIFWC also is authorized to enforce tribal off-reservation conservation codes in portions of Michigan and Minnesota. GLIFWC wardens must attend the same or equivalent training as their state counterparts, and must meet similar continuing education requirements to maintain their positions. And, each GLIFWC warden must be either a certified medical first responder or emergency medical technician.

Our first goal is to protect our wardens. Like DNR wardens, they generally work alone in isolated areas, frequently work at night, and often encounter armed individuals. The proposed bill would afford GLIFWC wardens the same statutory safeguards and protections that are afforded to their DNR counterparts. Our wardens would have access to criminal history and other information to identify whom they are encountering in the field so that they can determine whether they are about to face a fugitive or some other dangerous individual. They would have access to emergency services radio frequencies to call for backup, to summon aid in cases of medical or fire emergencies, and to

Honorable Senator Lasee, Co-Chair
Wisconsin Joint Legislative Council
May 17, 2005
Page 2

inform another agency of a possible violation falling under that agency's authority. They would be operating statutorily-authorized emergency vehicles that would be treated like other law enforcement vehicles. And, they would fall within criminal statute provisions that protect state and local officers from threats and assaults.

These protections are more than just theoretical matters. For example, a few years back, a GLIFWC warden was assaulted while on duty, but the perpetrator could not be appropriately charged with assault of a law enforcement officer under state law because of the "technicality" that GLIFWC officers are not statutorily-recognized law enforcement officers.


Our other goal is to solidify GLIFWC's long-standing partnership role in Northern Wisconsin's emergency services networks. Our wardens routinely encounter illegal activities, including serious felonies, that fall outside of their primary conservation jurisdiction, as well as car accidents, medical emergencies and other emergencies. Our wardens have a history of being there in time of need assisting local law enforcement and emergency service agencies. This was the case regarding two particularly tragic incidents – in 1996, when GLIFWC warden Ken Rusk was among the first to respond to Bayfield County's "officer down" call for help when Deputy Parquette was ambushed, and then, just this past deer hunting season, when GLIFWC warden Mark Thayer was the first to arrive on the multiple homicide scene in Sawyer County involving a trespassing hunter (*see enclosed examples of other emergency assistance*).

The proposed bill would recognize that properly trained GLIFWC wardens who meet the requirements of Wisconsin's Law Enforcement Training and Standards Board are valuable law enforcement assets to state and local agencies. It would provide them with limited arrest and assistance authority similar to that currently provided to other law enforcement officers operating outside of their areas of primary jurisdiction. And, to ensure protection of the public, GLIFWC would be required to promptly call in the agency with primary jurisdiction and to develop other appropriate policies for exercising this authority. GLIFWC also would be responsible for its wardens exercising this authority and for providing necessary liability insurance protections.

We hope that the Council will agree with the Special Committee, the Wisconsin Department of Justice (*see enclosed Attorney General Lautenschlager's May 16, 2005 letter*), and the DNR (*see enclosed Secretary Hassett's May 9, 2005 letter*) that this bill is based upon sound policy to enhance overall public safety, is consistent with the statutory treatment afforded other law enforcement agencies, and reflects 20 years of successful state/tribal cooperation to better protect and serve Wisconsin's guests and citizens.

We are happy to provide any additional information or answer any questions that you might have. Please do not hesitate to contact me or James Zorn of our staff if we can be of assistance.

Sincerely,


James H. Schlender
Executive Administrator

Enclosures

GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

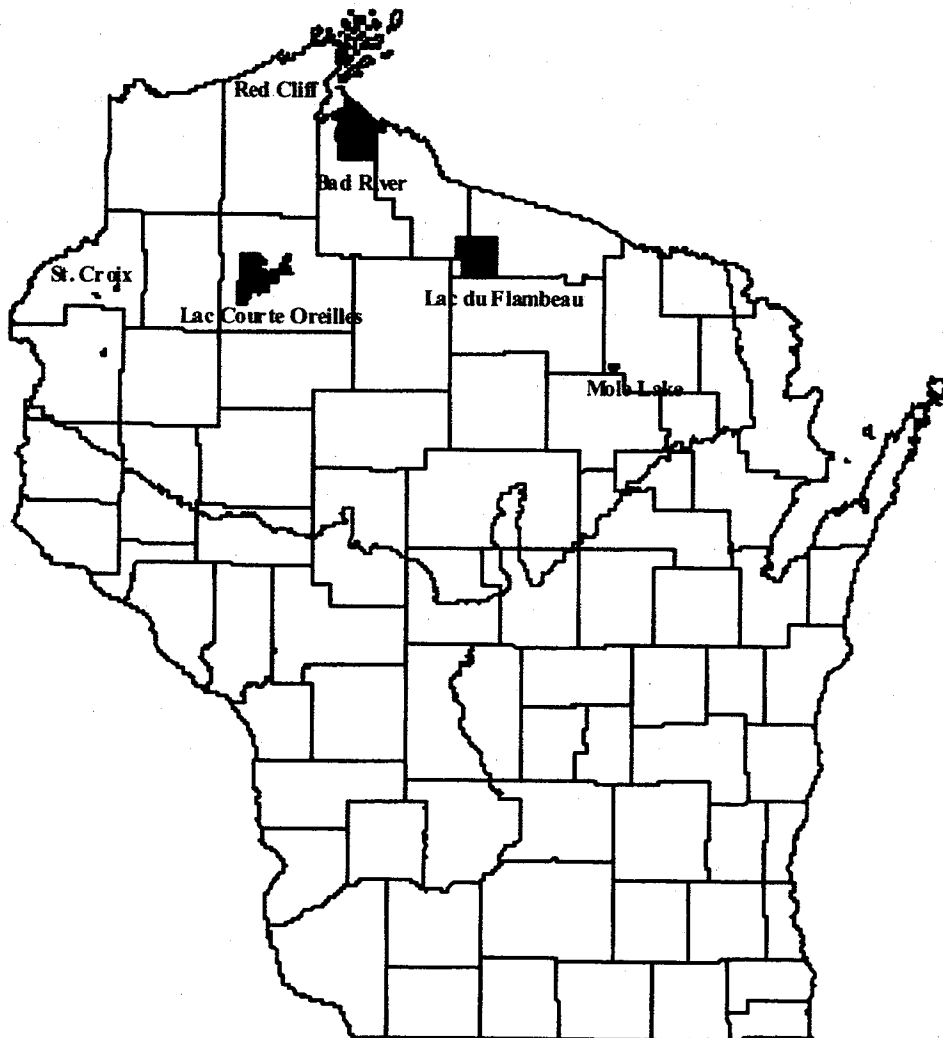
WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band
Red Cliff Band
St. Croix Chippewa
Sokaogon Chippewa

MINNESOTA

Fond du Lac Band
Mille Lacs Band

Wisconsin Chippewa Tribes and Ceded Territory



GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION

P. O. Box 9 • Odanah, WI 54861 • 715/682-6619 • FAX 715/682-9294



• MEMBER TRIBES •

MICHIGAN

Bay Mills Community
Keweenaw Bay Community
Lac Vieux Desert Band

WISCONSIN

Bad River Band
Lac Courte Oreilles Band
Lac du Flambeau Band

MINNESOTA

Fond du Lac Band
Mille Lacs Band

GLIFWC'S ROLE IN THE GENERAL PUBLIC SAFETY INFRASTRUCTURE

Prepared for

Wisconsin Legislative Council

May 17, 2005

GLIFWC conservation wardens play an important role in the overall law enforcement and public safety infrastructure of the Chippewa ceded territories in the northern third of Wisconsin. They have developed good working relationships with county Sheriff's Departments, the Wisconsin State Patrol, the Wisconsin Department of Natural Resources, the USDA-Forest Service, the National Park Service, the U.S. Coast Guard, the U.S. Fish and Wildlife Service, tribal on-reservation conservation departments, tribal police departments, local fire departments and local ambulance services.

GLIFWC wardens have a history of assisting these agencies regarding:

1. Emergency Response – Including:

1. Medical Emergencies – Such as car accidents, snowmobile accidents, heart attacks, hunting accidents, and one warden even delivered a baby.
2. Search, Rescue and Recovery – Including boat rescues on Lake Superior, ice rescues, searches for lost persons, drownings, and lost airplanes.
3. “Officer Down” and Weapons Incidents – Among first to arrive on the scene where officers from other agencies have been shot and of other incidents of weapons threats.
4. Fugitive Apprehension – Helping to locate or apprehend fleeing suspects and fugitives from justice.

2. Referral of Criminal Information or Potential Evidence to the Proper Agency – GLIFWC wardens often observe behavior or come upon information/possible evidence of an illegal act that is outside of their authority. When this happens, they either immediately summon the proper authority and, as requested under the authority of that agency, either detain the suspects until the agency arrives or document and report on what has been discovered to the proper authority, turn over possible physical evidence, and, if necessary, serve as a witness in court proceedings.

3. Interagency Training Exercises – GLIFWC wardens regularly sponsor and participate in a wide range of interagency training sessions, including cold water rescue, hazardous materials identification, firearm safety, Great Lakes commercial fishing vessel safety inspection, first aid/first responder, and crowd control/civil disturbances.

4. Community Safety Programs – Various GLIFWC officers are certified instructors for hunter safety, boater safety, snowmobile safety and ATV safety courses. These courses are open to the public.



STATE OF WISCONSIN
DEPARTMENT OF JUSTICE

PEGGY A. LAUTENSCHLAGER
ATTORNEY GENERAL

Daniel P. Bach
Deputy Attorney General

114 East, State Capitol
P.O. Box 7857
Madison, WI 53707-7857

May 16, 2005

The Honorable Alan Lasee
Co-Chair
Joint Legislative Council
220 South, State Capitol
Madison, WI 53702

The Honorable Steve Wieckert
Co-Chair
Joint Legislative Council
16 West, State Capitol
Madison, WI 53702

Re: Proposed legislation regarding GLIFWC conservation wardens

Dear Senator Lasee and Representative Wieckert:

I am writing to offer my support for proposed legislation (WLC: 0127/3) that would extend the application of some Wisconsin law enforcement statutes to cover conservation wardens employed by the Great Lakes Indian Fish and Wildlife Commission ("GLIFWC").

Federal-court litigation between the State of Wisconsin and several Chippewa bands in the early 1990s authorized GLIFWC to enforce tribal hunting and fishing regulations in certain off-reservation territories in northern Wisconsin. Current state law, however, creates obstacles to some GLIFWC activities that are necessary concomitants of its court-authorized work, such as going armed in the uniform of a law enforcement officer and operating an emergency vehicle with a siren and red-and-blue warning lights. The primary achievement of the proposed legislation is to eliminate state-created obstacles to such activities, thereby facilitating the practical, day-to-day ability of GLIFWC wardens to do their jobs.

The proposed legislation also promotes general law enforcement goals by giving GLIFWC wardens access to certain state law enforcement tools, such as the transaction information for the management of enforcement ("TIME") system, and by affording GLIFWC wardens the same legal protections to physical safety that are generally afforded to all law enforcement officers.

The second major achievement of this legislation is to enable GLIFWC to assist state law enforcement agencies in northern Wisconsin by authorizing GLIFWC to adopt and implement written policies under which its wardens would be allowed to respond to aid requests from state

The Honorable Alan Lasee
The Honorable Steve Wieckert
Page 2

law enforcement authorities and to make arrests for violations of state law when they encounter a dangerous emergency situation or a felony in progress. GLIFWC wardens who receive this authority will be required to meet the same training and certification requirements applied to Wisconsin law enforcement officers, thereby maintaining the state's established standards of law enforcement professionalism. In order to guarantee GLIFWC's financial responsibility for the official acts of its wardens pursuant to this new authority, the legislation requires GLIFWC to maintain a liability insurance policy for at least \$2 million under which there would be no defense of sovereign immunity.

This legislation advances the interests of the citizens of the State of Wisconsin and promotes comity between the state and the Chippewa bands of Wisconsin. On behalf of the Department of Justice, I offer my support for this legislative proposal. If I can be of any other assistance regarding this matter, please feel free to contact me by calling 266-1221.

Very truly yours,



Peggy A. Lautenschlager
Attorney General

PAL:TCB:df

c: The Honorable Terry Musser
State Representative



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor
Scott Hassett, Secretary

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TTY Access via relay - 711

May 9, 2005

David L. Lovell, Senior Analyst
Wisconsin Legislative Council
One East Main Street, Suite 401
Madison, WI 53703-3382

Dear Mr. Lovell:

Representative Terry Musser has asked that I contact you regarding proposed legislation (WLC 0127) which would give limited state recognition to wardens of the Great Lakes Indian Fish and Wildlife Commission (GLIFWC). As you know, my staff has worked closely with Legislative Council staff in the drafting of this legislation and has previously testified in its support before the Special Committee on State - Tribal Relations.

I wish to reaffirm the Department's support for WLC 0127. Department law enforcement staff have an excellent working relationship with GLIFWC wardens and are familiar with the limitations placed on their roles due to the fact that they are not considered state law enforcement officers. This proposal would provide the necessary tools for properly trained GLIFW wardens to do their off-reservation treaty rights enforcement through provisions which recognize their ability to operate police vehicles, carry firearms and access the state's criminal history data base. The proposed changes would provide the recognition that GLIFWC officers need without expanding their authority over non-Indians except in emergency situations that pose a significant threat to life or bodily harm or when requested by another law enforcement agency.

Again, the Department of Natural Resources is in support of WLC 0127.

Sincerely,

Scott Hassett
Secretary

cc: Michael Lutz, LS/5
Amber Smith, AD/5
Randy Stark, LE/5
Amy Smith, AD/5
Representative Terry Musser
James Schlender - GLIFWC