



Office of the County Administrator

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FOR IMMEDIATE RELEASE

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Mille Lacs County Response to the Mille Lacs Band of Ojibwe Lawsuit

The Federal lawsuit filed by the Mille Lacs Band against Mille Lacs County, the County Sheriff, and the County Attorney is without legal merit. Facts alleged in the lawsuit are inaccurate, and Mille Lacs County looks forward to setting the record straight in Court.

The Band is advancing politically-motivated narratives without basis in fact, including that:

- (a) The County, through its Sheriff, is not providing sufficient policing in tribal areas;
- (b) The Band Police are helpless and prevented from enforcing drug laws; and
- (c) The County Attorney won't prosecute offenders stopped by Band Police.

The Mille Lacs County Sheriff has provided on-duty law enforcement coverage that is directly comparable to the coverage that was previously provided by the Band Police Department. Experienced deputies sacrificed vacations and worked long hours to make sure that public safety was served and continues to be served. The Sheriff's Office has hired many new deputies to help shoulder this obligation.

The Mille Lacs Band has frequently cited that 32 officers cannot be replaced by a smaller number of new and inexperienced deputies. This is misleading. Before the revocation, the Band had approximately 10 patrol officers assigned and working in Mille Lacs County. Many of the Deputies now serving tribal communities have years of experience in northern Mille Lacs County, and some of them are former Band Police Officers.

The Band Police Department has inherent tribal criminal authority, federal law enforcement authority, and out-of-jurisdiction state law enforcement authority. At a bare minimum, Band officers have the authority to stop and detain anyone violating state law on the Band's trust lands to turn them over to state law enforcement. Mille Lacs County has encouraged the Band to exercise this authority within the bounds of Minnesota law. The County Attorney has repeatedly asserted and argued for the Band's inherent tribal criminal authority in District Court.

The County Attorney has prosecuted many offenders who have been detained and investigated by the Band Police Department, even after the revocation of the cooperative agreement. These cases have included drug cases, obstruction of a peace officer and fleeing from a peace officer, showing



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that the County Attorney's Office views Band Police Officers as peace officers in appropriate circumstances.

Chief Executive Melanie Benjamin has said that Mille Lacs Band officers are unable to stop drug deals occurring in front of them. With the substantial tribal and federal authority already possessed by Band officers on trust lands, they can and should exercise that authority to stop this unlawful activity or detain and turn these offenders over to state law enforcement officers.

The most irresponsible and false statements made by the Mille Lacs Band are those suggesting that northern Mille Lacs County is a "police-free zone." With both the Mille Lacs County Sheriff's Office and the Mille Lacs Band Police Department providing multiple officers dedicated to northern Mille Lacs County each and every day, the armed, uniformed police presence has nearly doubled there since the revocation. Mille Lacs County is concerned that this false narrative may encourage more criminals, gangs, and drug dealers to come to Mille Lacs County.

Underlying this lawsuit are the efforts by the Mille Lacs Band to use law enforcement in Mille Lacs County for political purposes – specifically as a vehicle to reestablish the 1855 Reservation. The Band's claim that there is no legal basis to dispute the existence of the Reservation will be challenged in Federal Court.

The County strongly stands behind and supports the law enforcement efforts of both the Sheriff and the County Attorney who have done a remarkable job in very difficult circumstances created by the dispute over the existence of the 1855 Reservation.

The County will return to mediation with the Band on November 27, 2017 in an effort to reach a new Cooperative Law Enforcement Agreement. Mille Lacs County was the first county in Minnesota to support legislation giving tribal police state law enforcement powers under a cooperative agreement. Mille Lacs County continues to support that goal, despite the complications arising from differences over the existence of the 1855 Reservation.

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