

Stand Up For California!

“Citizens making a difference”

www.standupca.org

P.O. Box 355
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August 15, 2008

Honorable Arnold Schwarzenegger
Governor of California
Attn: Andrea Hoch
Legal Affairs Secretary
Office of the Governor
Sacramento, CA. 95814
Fax: (916) 323-0935

RE: Soboba Breach of Compact – Unreasonable Risk of Harm to the Public

Dear Ms. Hoch:

Stand Up For California! and on behalf of *Save our Communities (“SOC”)* writes today to bring to your attention the questionable “good faith actions” and a potential breach of compact by the Soboba Band of Luiseno Mission Indians (“Tribe”) of San Jacinto, Riverside County.

“SOC” is composed of approximately 900 citizens living in three separate homeowner developments around and nearby the Soboba Reservation. As you may know the Tribe is seeking to expand its land base and develop a second casino with supporting amenities. The proposed development is 1.2 miles from a middle school, within 1 mile of St. Joseph Catholic Church and private school, 8/10th of a mile to a local health clinic and 1 mile from major residential neighborhoods of San Jacinto. The SOC is composed of civic minded citizens that have united to address serious and immediate life-safety concerns as well as potential future environmental and fiscal impacts to their communities.

Request

We request your timely consideration to initiate an investigation of the potential material breach of sections 8.2 and 10.1 of the Tribe’s 1999 compact. If shown to be warranted, we ask that you seek the appropriate cure through section 9.2 and if not possible terminate the compact under section 11.2.1(c). Additionally, from the last major incident at Soboba it would appear that the Tribe is not in compliance with California Gambling Control Commission (CGCC) regulation on Emergency Evacuation and Preparedness Plans CGCC-7. We request that representatives of the CGCC visit the Soboba Reservation to evaluate the Emergency Evacuation and Preparedness Plan for effectiveness thus ensuring the safety of the public.

Discussion

Breach of Compact:

Section 10.1 of the Tribe's Compact sets forth the basic requirement that the Tribe will not conduct class III gaming in a manner that endangers public health, safety or welfare. Compact section 8.2 specifically recognizes State criminal law jurisdiction under PL 280. Clearly the Tribe's actions and inactions have exposed the gambling public, members of law enforcement and the regional community to an unreasonable risk of harm due to criminal activity on the reservation. We believe that the Tribe has violated Compact section 8.2.

The Tribe has already broken promises made in a mediation agreement with the Riverside County Sheriff to act in good faith and has intentionally delayed and impeded access to the Reservation. This is an apparent violation of Compact section 8.2. Allowing a criminal presence and unlawful firearms on the reservation, whether or not these actions take place in the casino itself, poses an illogical risk and danger to gambling patrons. As predicted in the May 2006 report on gaming commissioned by Attorney General Lockyer, violent crime on Indian Reservations with casinos is increasing and intensifying.

On the Governor's letterhead dated July 2, 2008, commenting on the Ione DEIS, Ms. Hoch, Legal Affairs Secretary, recognizes the regional impact of casino crime, the expense to the public and the necessity to appropriately and adequately address it.

"The 2006 CRB report, however, confirms that in California higher crime rates, including aggravated assault and violent crimes, are correlated with a greater casino presence and result in increased public expenditures (\$15.33 per capita) for law enforcement. (CRB, Gambling in the Golden State: 1998 Forward, supra, at p.72.) The Draft EIS, however, includes no information regarding the type and scope of criminal activity directly and indirectly attributable to the region the existing gaming facility in the county, or any similarly situated hotels, and RV Parks."

If the Governor recognizes the correlation of increased violent crimes to casino presence and is requesting the Ione Band in the DEIS letter of comment to make a greater effort to adequately address the regional impacts of crime, then without much ado, the Governor must certainly recognize the need to immediately address this increased intensity in violent crime at the Soboba Reservation in order to ensure the life safety of citizens and members of law enforcement and emergency service personnel in the field performing their obligatory duty.

Violence is not new to the Soboba Reservation enrolled members.

The following is a very brief review of recent press stories

- 1 In October 2002, Peter Morillo, 27, was shot and killed by police off the reservation at a Valle Vista house after barricading himself inside.
- 2 In May of 2006, Deputies served warrants and found a stolen Cadillac sport utility vehicle, a stolen motorcycle, a stolen backhoe, several small bags of methamphetamine,

- several guns and hundreds of rounds of ammunition. Norbert Arres III, 22, and Larry Arres, 21 and Norbert Arres Jr. 55 were all arrested.
- 3 May 8, 2008, Eli Morillo, 26, was shot and killed in a long gun fight with deputies and SWAT members in armored vehicles on the Reservation. He was a brother to Peter Morill killed in 2002.
 - 4 May 16, 2008, Sheriff Deputies responded to 911 calls and were fired upon by 36 year old Joseph Arres. Joseph Arres had pleaded guilty twice to being a felon or narcotics addict in possession of a firearm. There was a warrant out for his arrest and he had failed to make a recent court appearance. He was scheduled to serve two two-year terms concurrently. In the ensuing gun battle with deputies, Arres and his girlfriend Tamara Angela Hurtado were fatally wounded.
 - 5 Tensions were so great in May/June/July 2008 that firefighters and emergency services provided by California Department of Forestry and Fire Protection had to have Sheriff Department escort. The escort requirement has recently been lifted; nevertheless, with the continued increase in tensions the potential to re-establish the escort may be a necessity.
 - 6 May 31, 2008, Riverside County sheriff's union sends out an alert urging gaming patrons to go to other casinos until Soboba is stabilized as it is not a safe environment.
 - 7 July 28, 2008, Riverside County Sheriff requests the NIGC to close the Soboba Casino. Sheriff Sniff states ... "In addition there are already articulated safety concerns among communities bordering tribal lands. Our view of the history of crime incidents on the reservation, and a seeming trend for tribal members engaging law enforcement officers from a variety of agencies with high-power firearms, underscores our safety concerns on behalf of the public and officers from all agencies."
 - 8 City of San Jacinto has sent two letters, one to the Soboba Tribe asking that they withdraw their proposed land acquisition application and the second to the BIA stating they cannot support an acquisition due to the failure of the Tribe to ensure the safety of the public.
 - 9 August 6, 2008, the state parole office announced Wednesday it has ordered all parolees living on the Soboba Indian Reservation to leave for their own safety and because of concerns of escalating violence that could affect the safety of parole agents.

At a recent meeting of Tribal leaders sponsored by the San Manuel Band of Mission Indians, crime, gangs and drugs on the reservation was the topic of discussion. One tribal leader sadly summed up the current social cultural phenomena. Manuel Hamilton, vice chairman of the Ramona Band of Cahuilla Indians stated:

"...drugs, poor parenting skills and wealth in idol hands have fueled crime on reservations. People have lost the ability to have any work ethic." "We're imploding upon ourselves."

Emergency Evacuation and Preparedness Plans regulation CGCC-7:

Allowing a criminal presence, unlawful assault weapons, an unexplained fire potentially arson, hundreds of thousands of dollars in stolen vehicles and construction equipment and untold baggies of methamphetamines on the reservation is a State issue. Whether or not the recent gun battles have taken place in the casino itself does not dismiss the responsibility of the State to act to protect the public. Requesting a “meet and confer” under section 9.2 is a rational action.

The Soboba Casino poses an unreasonable danger to gambling patrons, employees and the surrounding tribal and non-tribal public. In the last major incident there appeared to be **no plan of action** to evacuate patrons, employees or tribal members to safety. The Soboba plan needs review to ensure effectiveness.

It is in the best interests of the long-term success of the Tribe to protect not only the patrons and employees but ensure the safety of the surrounding community. The failure of Soboba to address this regulation adequately places the Indian Gaming industry at risk and raises serious, critical and legitimate questions about the role of the State, State regulators and casino oversight.

Conclusion

Have the reservations, as foretold in the *Inyo County v. Bishop Paiute Shoshone* United States Supreme Court case become, “...enclaves of a safe haven for the secretion of evidence and perpetrators...?”

While California Sheriffs have the authority and the obligation to protect Indian and non-Indians from criminals on California’s Reservation and Rancherias, the Soboba Band is disputing that authority and intentionally blocking the Sheriffs ability to perform their duty. Therefore *Stand Up For California!* and *SOC* believe the Tribe is acting in bad faith and is in material breach of 1999 Tribal State Compact sections 8.2 and 10.1. Moreover, it is believed that the Tribe may not be in adequate compliance with the Emergency Evacuation and Preparedness Plans regulation CGCC-7.

The State of California police powers are protected by the United States Constitution. The Soboba Chairman cannot go unchallenged at the expense of state police powers or more importantly the safety of the public. Respectfully, due to the heightened tensions and threat to life-safety in-and-around the Soboba Reservation we request a timely response.

Sincerely,

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Honorable Jerry Brown, California State Attorney General
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