

Law Enforcement and Criminal Justice

Unlike in other communities within the United States, the federal government has assumed responsibility for much of the day-to-day law enforcement services on Indian reservations.¹ Under the Major Crimes Act and other federal laws, Indian communities are dependent on the federal government for investigation and prosecution of many crimes committed on Indian reservations. The Department of Justice and Department of Interior share responsibility for law enforcement in tribal communities. In addition, the Department of Health and Human Services through SAMHSA and the IHS, provide much needed treatment, rehabilitation, prevention, and early intervention programs. Growing reservation crime rates indicate that this arrangement is failing to keep Indian people safe.

A host of Congressional hearings, government reports, and media investigations have documented that there is a public safety crisis in American Indian and Alaska Native tribal communities across the nation. American Indians experience per capita rates of violence that are much higher than those of the general population. Domestic violence and drug-related crimes are particularly prevalent.

For too long Indian Country law enforcement has been grossly underfunded at all levels of police, investigation, prosecution, courts, detention and rehabilitation. An initiative to increase funding during the Clinton Administration was short-lived,² and funding cuts during the Bush Administration demonstrate that public safety in Indian Country simply was not a priority. Most reservation communities have 2-3 officers charged with patrolling an area the size of Delaware.³ U.S. Attorneys decline to prosecute more than two-thirds of cases originating in Indian Country, a rate far higher than the average.⁴ And, tribal detention facilities are notoriously unsafe and unsecure.⁵

In order to bring justice and safety to Native communities, it is imperative that the next Administration make public safety a priority. To that end, NCAI recommends the following:

Department of Justice – First 100 Days

1. Establish an Office of Indian Country Crime in the Criminal Division.
2. Give the Office of Tribal Justice direct reporting authority to the Attorney General so that it can play a meaningful role in guiding policy development across the agency.
3. Instruct U.S. Attorneys with Indian Country jurisdictions that prosecutions of Indian Country crime are a priority.
4. Give the Chair of the Native American Issues Subcommittee a permanent seat on the Attorney General's Advisory Committee of United States Attorneys.
5. Increase the number of FBI agents assigned to Indian Country.
6. Support swift passage of the Indian Country Law and Order Bill.
7. Establish a standing Indian Country Advisory Committee composed of tribal leaders from across the country who can advise the Department and the Attorney General on the full range of issues impacting tribal governments and Native people.

¹ Major Crimes Act, Indian Civil Rights Act, *Oliphant v. Suquamish*

² "Report of the Executive Committee for Indian Country Law Enforcement Improvements," Final Report to the Attorney General and Secretary of the Interior, October 1997.

³ U.S. Dept. of Interior, Bureau of Indian Affairs, Office of Law Enforcement Services, "Gap Analysis," April 18, 2006.

⁴ Michael Riley, *Lawless Lands*, DENVER POST (Nov. 11-14, 2007).

⁵ Office of Inspector General, Department of Interior, "Neither Safe Nor Secure: An Assessment of Indian Detention Facilities," September 2004, available at www.doi.gov/upload/IndianCountryDetentionFinal%20Report.pdf.

Department of Interior – First 100 Days

1. Request and advocate for adequate funding for law enforcement, tribal courts, and detention facilities.
2. Modify BIA law enforcement training policies to provide maximum flexibility for law enforcement and detention officer training.