



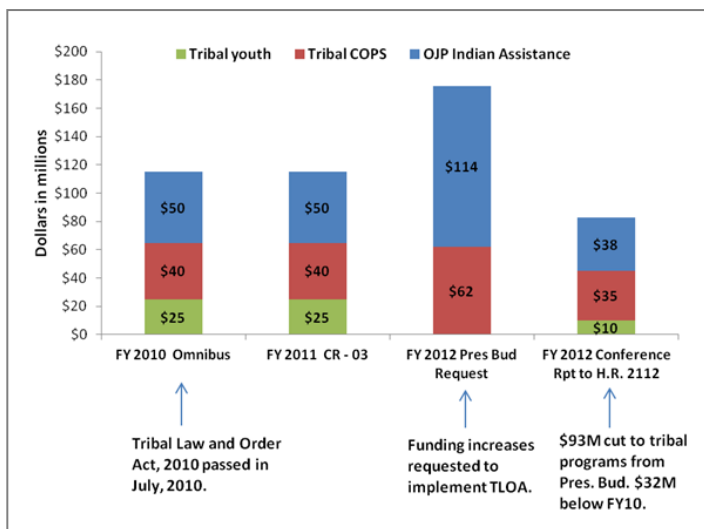
BACKGROUND ON TRIBAL JUSTICE & LAW ENFORCEMENT

PROBLEM: CRIME IN INDIAN COUNTRY

Indian reservations nationwide face violent crime rates more than 2.5 times the national rate, and some reservations face more than 20 times the national rate of violence. More than 1 in 3 Indian women will be raped in their lifetimes, and 2 in 5 will face domestic or intimate partner violence. The Department of Justice has also found that non-Indians commit approximately 88 percent of violent victimizations against Indian women. Yet the complex jurisdictional scheme on tribal lands prevents tribal governments from criminally prosecuting non-Indian offenders for such violent crimes.

SOLUTION: IMPLEMENTATION OF THE TRIBAL LAW & ORDER ACT

The Tribal Law and Order Act takes a comprehensive approach to address these shortfalls by establishing accountability measures for federal agencies responsible for investigating and prosecuting reservation crime and by providing tribes with additional tools to combat crime locally. The Act provides for increased information sharing between tribal law enforcement and their state and federal counterparts, federal declination data reporting, unfettered tribal access to national criminal history databases, enhanced tribal court sentencing authority, and increased cross-deputization of tribal law enforcement officials. The bi-partisan support for the TLOA demonstrates that there is a broad understanding—across party lines—of the critical need for increased support for tribal justice systems. The President’s Budget Request and subsequent House and Senate Subcommittees have agreed that increased funding is necessary.



UPDATE: CONGRESS ERASES CRIME FIGHTING GAINS

The US Congress has leveled a major setback to the nation’s communities in need of major resources to combat the highest crime rates in the country. A decision by Congress to cut nearly \$90 million from proposed funding for critical Department of Justice programs in Indian Country leaves tribal law enforcement and federal personnel with far too few resources to fight crime on tribal lands.

On November 14, 2011 Congress released the FY2012 Appropriations Conference Report for Commerce, Justice, Science, and Related Agencies (CJS), which includes all Department of Justice (DOJ) tribal programs. The report drastically cut funding for tribal justice programs across the board and did not include the proposed 7% tribal set-aside for all discretionary Office of Justice Programs (OJP)

programs—which was supported by the House CJS Subcommittee in FY 2011 and the Senate CJS Subcommittee in FY 2012.

The Conference Report proposes \$15 million cuts to both the COPS Tribal Resources Grant Program and the Tribal Youth Program. Funding for tribal assistance within OJP was also decimated, receiving only \$38 million—a mere fraction of the approximate \$100 million initially proposed in the President’s FY2012 budget request.

MAJOR PROVISIONS OF THE TRIBAL LAW & ORDER ACT INCLUDE:

- **Evidence sharing and declination data:** Requires federal prosecutors to maintain data on criminal declinations in Indian country and to share evidence to support prosecutions in tribal court.
- **Tribal court sentencing:** Increases tribal court sentencing authority from 1 to 3 years imprisonment where certain constitutional protections are met.
- **Federal testimony:** Requires federal officials who work in Indian country to testify about information gained in the scope of their duties to support a prosecution in tribal court.
- **Tribal police access to criminal history databases:** Many tribal police have no access to criminal history records. The bill will provide tribal police greater access to criminal history databases that provide them with critical information when detaining or arresting a suspect.
- **Sexual assault training:** Requires IHS to standardize its sexual assault policies and protocols for handling sex crimes, interviewing witnesses, and handling evidence of domestic and sexual violence crimes in Indian country.
- **Recruitment and retention:** Increases recruitment and retention efforts for BIA and tribal police.
- **Training opportunities:** Expands training opportunities for BIA and tribal police to receive training at State police academies, and tribal, state, and local colleges – where federal law enforcement training standards are met.
- **Increases cross-deputization of tribal police to enforce federal law:** Enhances Special Law Enforcement Commission program to deputize officers to enforce federal laws on Indian lands.
- **Special Assistant U.S. Attorneys (SAUSAs):** Authorizes appointment of SAUSAs to prosecute reservation crimes in federal courts and encourages federal courts to hold cases in Indian country.
- **Programmatic reauthorizations:** The bill reauthorizes and improves existing programs designed to strengthen tribal courts, police departments, and corrections centers – as well as programs to prevent and treat alcohol and substance abuse, and improve opportunities for at-risk Indian youth.

IMPLEMENTATION SETBACK

The National Congress of American Indians has played a lead role in moving forward the implementation of the TLOA.

The TLOA will not mean much if it is not implemented. Successful implementation is contingent upon adequate federal funding for TLOA-authorized programs, as well as full funding of other critical tribal justice programs that will support the overarching TLOA vision of comprehensive law enforcement reform. Increased and targeted funding will help combat the epidemic of violent crime on Indian lands and strengthen tribal justice systems for future generations. The reduction in funding could not come at a worse time.

Native Americans—like all Americans—deserve to live free of fear in their communities, where their basic rights are protected and they can trust in the justice system that serves them.