



# NATIONAL CONGRESS OF AMERICAN INDIANS

## The National Congress of American Indians Resolution # SPO-16-019

### TITLE: Recommendations for Department of Justice Funding of Tribal Public Safety

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**WHEREAS**, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

**WHEREAS**, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

**WHEREAS**, Indian nations and tribes were sovereign independent nations prior to the formation of the United States of America; and

**WHEREAS**, through treaties, agreements, statutes, and executive orders, Indian nations and tribes came under the protection of the United States while reserving original sovereign authority and self-government over our members and territories; and

**WHEREAS**, the Constitution of the United States, through the Treaty and Supremacy Clauses, acknowledges Indian nations and tribes as prior sovereigns, with reserved sovereign authority, self-government, and guaranteed territory; and

**WHEREAS**, the Constitution, through the Indian Commerce Clause, acknowledges a government-to-government relationship between the United States and Indian nations and tribes in the regulation of Indian Commerce; and

**WHEREAS**, the Constitution, through the Apportionment Clause and the 14<sup>th</sup> Amendment Citizenship and Amended Apportionment Clauses, acknowledges the citizens of Indian nations and tribes as "Indians not taxed," who are primarily subject to the jurisdiction of our own Indian nations; and

**WHEREAS**, through treaties, agreements, statutes and executive orders, the United States undertook a Federal trust responsibility, among others, to assist Indian nations and tribes in providing public safety, law and order and the administration of justice; and

**WHEREAS**, the United States has a special responsibility for Indian Country Public Safety and Law Enforcement, and provides general prosecutorial authority for much of Indian Country under 18 U.S.C. 1152 and 1153; and

**WHEREAS**, the U.S. Attorney General's Advisory Committee Report on American Indian/Alaska Native (AI/AN) Children Exposed to Violence found that AI/AN children "suffer exposure to violence at rates higher than any other race in the United States," and

**WHEREAS**, the National Institute for Justice reports that nearly 85% of AI/AN women and over 80% of AI/AN men will experience intimate partner violence, sexual violence, or stalking in their lifetime ; and

**WHEREAS**, federal funding for tribal public safety, law enforcement and tribal courts has remained stagnant or decreased over the last several years in many regions while the tribal population has increased, alcohol and drug abuse has become epidemic, suicide attempts and completions, especially among youth, have soared, and the incidence of serious violent crime has increased; and

**WHEREAS**, methamphetamine, heroin, other drugs, and alcohol abuse have overtaken tribal lands, causing violent crime, domestic disturbance, trouble among our youths; and

**WHEREAS**, the Senate Commerce, Justice, Science and Related Agencies (CJS) FY 2017 Appropriations Bill, S. 2387, passed the full Senate Appropriations Committee on April 21, 2016, and provides more than \$355 million in funding for tribal justice programs for FY 2017—more than \$200 million increase from FY 2016, including a 7% tribal allocation from all discretionary Department of Justice (DOJ) Office of Justice Programs (OJP), a 5% tribal allocation from the Crime Victims Fund, and retains the rest of Indian Country programs (VAWA, COPS etc).

**WHEREAS**, the House CJS FY 2017 Appropriations Bill, passed the full House Appropriations Committee on May 24, 2016, and includes a 5% tribal set-aside in the VOCA Fund, but does not include much of the other funding critical to tribal justice systems).

**NOW THEREFORE BE IT RESOLVED** that the National Congress of American Indians (NCAI) urges Congress to support the funding levels included in the pending Senate FY 2017 CJS appropriations bill including:

- the 7% tribal set-aside of Office of Justice Program funding for Indian Country public safety, law enforcement, and the administration of justice .the 5% CVF tribal allocation (at a minimum) be adopted in the final 2017 Commerce-Justice-Science Appropriations Bill.
- \$30 million for tribal programs at the COPS office;
- \$10 million for the Tribal Youth Program;
- \$4 million for implementation of Special Domestic Violence Criminal Jurisdiction;

**BE IT FURTHER RESOLVED** that the Justice Department should develop a plan to cooperatively administer its Indian Country public safety, law enforcement, and the administration of justice programs and services together with the Department of the Interior in accordance with Public Laws 93-638 and 102-477 through formula grants that take into account Federal and tribal jurisdiction, reservation population, geographic size, road miles patrolled, incidence of crime, number of prosecutions, drug and alcohol abuse, and the number of troubled youth.

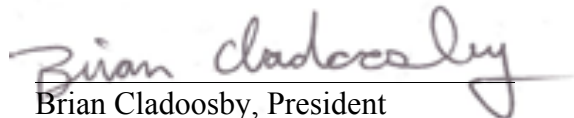
**BE IT FURTHER RESOLVED** that the Justice Department should conduct government-to-government consultation with Indian tribes to determine how to best allocate appropriated funds to meet the various needs of tribal justice systems, including funding for tribal law enforcement, courts, detention facilities, indigent counsel, victim services, juvenile justice, rehabilitation and reentry programs, and crime prevention efforts.

**BE IT FURTHER RESOLVED** that the Department of the Interior should accept state certified law enforcement officers as qualified for BIA and tribal police officers, and should provide funding for training of tribal police officers.

**BE IT FURTHER RESOLVED** that the White House Council on Native American Affairs should create a new subcommittee on public safety, law enforcement, and the administration of justice.

#### CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2016 Midyear Session of the National Congress of American Indians, held at the Spokane Convention Center, June 27 to June 30, 2016, with a quorum present.

  
Brian Cladoosby, President

**ATTEST:**

  
Aaron Payment, Recording Secretary