

Revised Tribal-State Collaboration Efforts
U.S. Department of Justice
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(Information prepared by Norena Henry, OJP

with assistance from DOJ components working in Indian Country.

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I. Courts.

National Tribal-State Full Faith and Credit Summit (March 2003)

The March 2003 national Tribal-State full faith and credit summit was held to educate Tribes in protecting battered Indian women and their children. The summit addressed the full faith and credit provision (18 U.S.C. 2265) and covered attendant issues such as child victimization as a result of domestic violence. It encouraged increasing activity in Indian country to develop relations across state lines, implement the Violence Against Women Act's full faith and credit provision, and develop a plan to adopt legislation and regulations where necessary to comply with the full faith and credit provision requirements. The American Indian Law Center, the project grantee, worked with the OJP Office on Violence Against Women, and national organizations concerned with violence against women issues in the Indian and non-Indian communities to plan for the summit. American Indian Law Center, Inc, based in Albuquerque, New Mexico is the project contact at (505) 277-5654.

Southwest Full Faith and Credit Project

Though this project ended this year, it has demonstrated much value in cross jurisdictional communication on full faith and credit. DNA People's Legal Services sponsored a series of Southwest regional summits for tribes and states to develop and implement plans to comply with the full faith and credit provision of the Violence Against Women Act (VAWA). The objectives were to reduce domestic violence and child victimization through Coordinated Community Response process, improve communication between tribes and states, and develop standardized forms and empowerment and prevention strategies. The Navajo Nation, Hopi Tribe, Pueblo of Zuni, San Juan Southern Paiute Nation, State of New Mexico and State of Arizona coordinated on this project. DNA People's Legal Services was awarded a project of excellence by the New Mexico State Bar Association. The project contact is Emory McCabe of DNA People's Legal Services at (928) 871-5644.

New Mexico Children's Code: Policy, Procedures and Protocols

An amendment to the New Mexico Children's Code provides equal access to services and same treatment for Indian children, effective July 1, 1999. More specifically, the articles of the code includes: delinquency, families in need of services, abuse and neglect, adoption, mental health, and the cultural recognition and special training act. This State law enables Indian tribes to engage in negotiations with the State to develop intergovernmental agreements (IGAs). The IGAs will guide how services and resources are accessed and the process for recognizing tribal justice system (tribal court) judgements that implicate State resources. The development of model agreements and training of both state and tribal employees is in its beginning stages. American Indian Development Associates (AIDA) currently is working with and training primarily five Pueblos on developing model agreements. The contact for this project is Ada

Melton, President of AIDA at (505) 842-1122.

Inter Tribal Integrated Justice Pilot Project

Focused on inter-tribal collaboration with the opportunity to collaborate with other jurisdictions, the Inter Tribal Integrated Justice Pilot Project (3 Tribes Project) is part of the U.S. Department of Justice's information technology activity. The goal of the 3 Tribes Project is to increase the electronic sharing of information between the Navajo Nation, Hopi Tribe and Pueblo of Zuni. The focus areas are 1) 24-hour emergency services, 2) driving under the influence, and 3) protection orders related to domestic violence. There are three phases to this project: Phase I, Intra-tribal systems integration, Phase 2, Inter-tribal systems integration, and Phase 3, Information sharing with other jurisdictions. All three Indian tribes are currently in the first phase. The National Center for Rural Law Enforcement will complete this project. The project contact is Patrick McCreary of Bureau of Justice Assistance at (202) 616-0532.

FY 2002 Tribal Technology and Information Sharing Outreach Program

The program is designed to enhance communications with tribal governments by informing them about recent technological advancements that have taken place primarily in tribal jurisdictions, and to provide these governments with tools and information that will aid them in their decision making process to either establish an integrated information management system or enhance the system that is already in place. Primary elements of the program include gathering information and lessons learned from Office of Justice Programs' offices and bureaus, other federal agencies, and organizations such as the Tribal Justice Statistics Assistance Center and the National Tribal Justice Resource Center; establishing culturally appropriate and user-friendly protocols for conducting information technology assessments; collecting information from tribal and non-tribal jurisdictions that have benefitted from establishing integrated justice systems; and maximizing outreach to tribal communities through a variety of venues involving air and print mediums. The National Center for Rural Law Enforcement was awarded this cooperative agreement. For more information, contact is Patrick McCreary of Bureau of Justice Assistance at (202) 616-0532.

National Tribal Justice Resource Center: Web site enhancement to promote awareness of tribal justice systems and cross-jurisdictional recognition of tribal judgments and orders.

Several federal laws, such as the Indian Child Welfare Act, the Full Faith and Credit in Child Support Act, and the Violence Against Women Act, require state courts to give tribal judgments full faith and credit (and vice versa), but compliance with this federal mandate is inconsistent across the United States. There is a lack of awareness of these important federal full faith and credit provisions, understanding of the sovereignty of Indian tribes and the resultant authority of tribal courts, and information concerning tribal justice systems which contribute to the failure of state courts to afford tribal judgments the recognition to which they are entitled. In order to improve awareness of tribal justice systems and cross-jurisdictional recognition of tribal orders, the National Tribal Justice Resource Center proposes to add this information on its web site (www.tribalresourcecenter.org). Information will include: 1) discussion of the applicable federal laws requiring the granting of full faith and credit to tribal court judgments; 2) general background information regarding the legal authority and links to the federal laws requiring full faith and credit as well as samples of tribal-state or tribal-tribal agreements and rules of procedure concerning the granting of full faith and credit or comity; 3) use of traditional tribal

dispute resolution forums; and 4) a national listing of tribal justice systems (as defined by the Indian Tribal Justice Act) and profiles on various tribal court systems from diverse regions of the United States. The project contact is Vincent Knight, Executive Director of the National Tribal Justice Resource Center at (303) 245-0786.

II. Law Enforcement

District of New Mexico: Tribal-State-Federal Collaboration Effort

The U.S. Attorney's Office-District of New Mexico hosted a meeting with representatives from the New Mexico Attorney General's Office and District Attorneys and their representatives from throughout the state. The purpose of the meeting was to address issues of mutual concern that may impact the investigation and prosecution of crimes in and around Indian country in New Mexico. In New Mexico, the U.S. Attorney's Office faces several complex Indian country jurisdictional issues that may require better lines of communication with state and tribal entities.

One of the issues discussed involved cross-deputization agreements. The initial meeting went extremely well, and a tentative February meeting has been scheduled. The hope is that the District Attorney(s) and their Assistant District Attorney's might meet with tribal prosecutors (and other law enforcement representatives) in the future.

Due to a complex jurisdictional issue, several pueblos, state representatives, including New Mexico Attorney General's Office and the Governor's Office met in July 2004 to discuss a federal legislative measure that would address the jurisdictional issue. As the result of the July 2004 meeting, a "Working Group" composed of pueblo representatives, a New Mexico Attorney General representative, a Governor's representative, as well as a United States Senate representative, was formed. The Working Group presented proposed federal legislation to the Congress. If enacted, the legislation will not only address the jurisdictional issue, but could have a positive impact on other collaborative efforts in the future. The contact for this cross deputization project is Samuel Winder, Assistant U.S. Attorney/Tribal Liaison, U.S. Attorney's Office-District of New Mexico at (505) 224-1503.

Follow Up : IACP Summit on Improving Safety in Indian Country

In February 2001, the International Association of Chiefs of Police (IACP), in cooperation with the U.S. Department of Justice (DOJ), sponsored the *Improving Safety in Indian Country: A Nationwide Summit to Enhance Crime Prevention, Intervention, and Protection Strategies*. Summit participants produced a set of recommended strategies to address outstanding law enforcement concerns of tribal law enforcement and tribal communities (Indian tribes). Over a hundred participants from Indian country, states, and national organizations attended. As follow up, the IACP, in partnership with U.S. Department of Justice, will host four regional symposia to 1) have richer, localized conversations about the safety problems uncovered at the summit, 2) further explore the perception of value of summit recommendations by tribal police and leaders, 3) identify promising practices and strategies in place in various tribal police agencies to reduce and respond to crime and 4) identify promising practices of tribal-state collaboration. IACP and OJP is coordinating with appropriate DOJ components, law enforcement and judicial community on the 2002 California event (described in the next paragraph), the Southwest Conference scheduled on October 29-31, 2003, the Great Plain Summit in Spring 2004 and a New England event yet to be planned. Elaine Deck, IACP, is the project contact and can be reached at (703)

836-6767 ext. 262.

State of California: Tribal and State Law Enforcement Summit 2002

The State of California's Attorney General Office, International Association of Chiefs of Police, California Sheriffs Association and a tribal coalition, in cooperation with the U.S. Department of Justice hosted the *Tribal and State Law Enforcement Summit 2002* which focused on public safety in Public Law 280 jurisdiction. The summit promoted the creation of tribal partnerships with local and state law enforcement agencies to increase public safety in tribal communities and education of tribal and non-tribal justice professionals as they conduct their work in Indian country. Efforts are built on the 2000 Summit that focused on raising awareness of Public Law 280 with state, county and tribal authorities and, at the same time, promoted intertribal cooperation in the developing of tribal law enforcement agencies in Public Law 280 states. Showcased, in both summits, were positive partnerships between tribal and non-tribal jurisdictions. The summit was held on October 27-30, 2002 in La Mirage, California. Olin Jones, Director of Native American Affairs, Office of the Attorney General, Department of Justice, State of California, is the project contact at (916) 322-2767.

Project Safe Neighborhood: Native American Gangs in Minnesota

The U.S. Attorney's Office-District of Minnesota has commenced a major tribal/state/federal anti-gang/drug/gun initiative involving tribal, state, local and federal law enforcement. The target of the investigation is organized Native American gangs which are responsible for increased violence, drug dealing and gun usage on one federal Indian reservation (Red Lake Band of Chippewa Indians) where federal criminal jurisdiction exists for major crimes, at least four of the ten Indian reservations governed by Public Law 83-280, and an urban Indian community in Minneapolis. The Red Lake Indian reservation has been designated as a Project Safe Neighborhood (PSN) site, two of the Indian reservations are proposed as Weed and Seed sites and the urban Indian community is part of a Weed and Seed site in Minneapolis. The U.S. Attorney's Office is leveraging available resources by tying PSN and Weed and Seed efforts together. It has established a multi-agency task force under the direction of the state gang strike force. As part of the PSN Initiative, an invitation has been made to the Center for Redefining Rural Violence to support research and community engagement activities. The contact for this project is U.S. Attorney Tom Heffelfinger at (612) 664-5604.

District of Utah: Safe Trails Task Force

The U.S. Attorney's Office-District of Utah is a partner in the Safe Trails Task Force on the Navajo Nation reservation in Utah. Under this program, the FBI provides financial support to the tribe for time spent by Navajo Nation tribal criminal investigators (CI) when working on cases with federal implications. In addition, the San Juan County Sheriff's office hires deputy sheriffs that live on the reservation and are assigned to cover that part of the county (these reservation-based deputies are usually Navajo tribal members). These deputy sheriffs work closely with the FBI and the Navajo Nation CI's on Safe Trails cases. This inter-agency cooperative effort has significantly expanded the number of investigators working on federal cases on the reservation. The contact is Todd Argyle, FBI Special Agent at (435)587-2060.

An Assessment of Suicide Ideation Among Indians in County Jails

This project will examine socio-cultural factors affecting suicidal thoughts and behavior among Native American jail detainees. The goal is to determine if current suicide screening and

intervention techniques are appropriate for identifying suicide risk among incarcerated Northern Plains Indians. The prevalence and correlates of suicidal ideation will be examined in sample of 375 Native American and 375 Non-Native detainees in the Pennington County Detention Center in Rapid City, South Dakota, a facility in which over 75% of suicidal gestures by inmates involved Native Americans. In addition, 8 focus groups will be conducted with detainees to explore the cultural appropriateness of the screening and intervention techniques, and field notes will be gathered based on interviews of jail staff and observations of current practices. It is anticipated that the results of this study will be used to design a more culturally appropriate screening instrument for suicidal ideation among Native American jail detainees. The results of this project are currently under review. The contact is Winifred Reed, National Institute of Justice at (202) 307-2952.

Community Based Institutional Assessment to Reduce Risk of Continued Abuse to Native American Women

This project is being implemented by Minnesota Program Development, Inc. It examines how Native American women's safety is affected by responses from the criminal justice system. The goals of this study is to uncover how institutional practices carried out by a non-Native criminal justice system enhance or marginalize attention to the safety needs of Native American women. Institutional ethnography will be used to adapt the Duluth Safety and Accountability audit process. Researchers will form a community-based audit team of up to 18 members, consisting of elders from the Fond Du Lac Tribe, and staff from community agencies serving Native American women. The research staff will investigate the processing of misdemeanor assaults involving Native American women. Those studying the criminal justice system will obtain their data from the Duluth Police Department. They will review 50 emergency 911 transcripts, including Native and non-Native American women; 100 police reports and follow-up investigations involving Native and non-Native American women; ten pre-sentence investigations involving Native American offenders who have children; and outcome data on 100 misdemeanor cases involving Native and non-Native-American battered women with children. This committee will work in small groups observing and conducting interviews pertaining to court processes. The contact for this project is Angela Moore-Parmely, National Institute of Justice at (202) 307-0145.

An Assessment of Indian Country Law Enforcement in PL 280 States

American Indian Studies Center, University of California-Los Angeles is investigating the experiences of Indian tribes and local law enforcement agencies under Public Law 280 (PL 280). The project will include a comparison of PL 280 and non-PL 280 sites with an effort to determine how the different circumstances of PL 280 tribes affect their experiences. Project objectives are to (1) compare crime rates on reservations subject to PL 280 with rates on reservations not subject to PL 280; (2) determine the quality and availability of law enforcement and criminal justice under PL 280; (3) evaluate Federal law enforcement and criminal justice funding and services to tribes subject to PL 280 jurisdiction; (4) evaluate retrocession, concurrent tribal jurisdiction, and cooperative agreements as options to alleviate problems in PL 280 jurisdictions; and (5) explore possible administrative and legislative responses to PL 280. The project includes a visit to each of the project sites where multiple interviews will be conducted. Reservation-based crime statistics for PL 280 States will be secured from county sheriff's offices. Statewide crime statistics will be obtained for all the sites. Funding sources and

services available to PL 280 tribes will be researched through Federal agencies, tribal and State reports. Alaska, one of the original PL 280 States, will not be included in the primary portion of this study because of the U.S. Supreme Court's decision in *Alaska v. Native Village of Venetie* which appears to limit the definition of what is Indian country within the state. To address the situation in Alaska, the project will include a note appended to the full report regarding the situation in Alaska. This study will result in a final report, report summaries tailored to suit specific audiences, and teleconferences to discuss findings. It will be completed in late 2005. The contact for this project is Winifred Reed, National Institute of Justice at (202) 307-2952.

The National Training Conference for Criminal Justice and Community Leaders

Now in its fourteenth year, the National Training Conference for Criminal Justice and Community Leaders has evolved into an event where tribal and non-tribal leaders are provided with a unique forum in which they can share information and learn more about building effective partnerships, enhancing governmental and community relationships, and implementing a systems-wide strategic process to control and prevent crime, violence, and substance abuse. This year's event was held on November 2002 in Green Bay, Wisconsin. Sponsors included the Menominee Indian Tribe of Wisconsin, the Oneida Indian Nation, State of Wisconsin and local Green Bay metropolitan area governments, Fox Valley Technical College, and the National Crime Prevention Council with generous support from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of Justice. Activities are focused to be of special interest to elected officials, criminal justice and human services professionals, and business and community leaders with topical areas ranging from comprehensive strategic planning to information management systems, community policing to tribal courts, and from corrections options to innovative youth programming and other tribal issues and concerns. For more information, visit the OJP website (www.ojp.usdoj.gov) for annual information on this conference.

Western District of Washington: Tribal, Federal, State and Local Law Enforcement Collaboration

The Washington State Attorney General's Office, in conjunction with the U.S. Attorneys' Offices, hosted the 2003 Law Enforcement Summit that brought counties and tribes together on issues related to public safety. The planning meetings of the summit have already brought together parties in the Tribal, Federal, State and local areas. The State's Byrne Grant Committee is active in this effort as are a number of tribal police chiefs, county prosecutors, county commissioners, and non-tribal law enforcement leaders. It is expected that this summit will be the first step in an on-going effort to address issues of mutual interest. If you have any specific questions please contact Law Enforcement Coordinator Kate Greenquist or Assistant U.S. Attorney Susan Roe at (206) 553-1077.