



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #PDX-20-015

TITLE: Calling for the Inclusion of Tribal Nations and their Unique Needs in Police Reform Discussions, Policies, and Legislation

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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 and the United Nations Declaration on the Rights of Indigenous Peoples, 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, in the face of civil unrest, Americans have shown a desire to work in a bipartisan way to enact change; and

WHEREAS, as we continue with the important task ahead of us, we urge the federal government to not forget the unique disparities that American Indians and Alaska Natives face within the justice system; and

WHEREAS, because of our political status, tribal nations have treaty and government-to-government relationships with the United States and through treaties and statutes, the federal government has undertaken a federal trust responsibility to protect tribal citizens and assist tribal nations with law enforcement and justice services; and

WHEREAS, tribal justice systems are primarily organized under self-determination contracts (638 contracts), self-governance compacts, or are directly administered by the Bureau of Indian Affairs (BIA); and

WHEREAS, the tribal courts and judicial systems are often beset by funding shortages, bureaucratic hurdles, and are in need of reform; and

WHEREAS, tribal police departments experience tremendous difficulty in recruiting and retaining qualified officers and those officers are not sufficiently compensated for their work in Indian Country; and

WHEREAS, establishing a Federal Law Enforcement Training Center in the Northern Plains will assist tribal nations with recruiting and retaining qualified tribal police and law enforcement officers; and

WHEREAS, tribal leaders have been forced to divert staff time to navigate the federal bureaucracy because of the lack of response from the BIA Office of Justice Services (OJS) and the lack of coordination between BIA OJS and other federal and tribal nation agencies; and

WHEREAS, detention centers in Indian Country are outmoded, dilapidated, in disrepair, decommissioned, or even condemned and must be re-constructed, repaired, and renovated with public safety and justice construction funding to ensure effective tribal justice systems; and

WHEREAS, statistically American Indians and Alaska Natives like many other demographic are grappling with high rates of alcohol and/or drug abuse, resulting in many criminal offenses and low level crimes; and

WHEREAS, it is critically important that tribal justice systems are funded and include drug and alcohol abuse treatment and therapy facilities; and

WHEREAS, justice statistics, crime data, and crime victim surveys must meaningfully include American Indian and Alaska Natives to help determine the scope and extent of police encounter disparities that our tribal citizens face; and

WHEREAS, tribal nations have long-standing traditions of peace-making, peace-keeping, and restorative justice and America should acknowledge and learn from tribal traditions in the quest to secure police reform; and

WHEREAS, funding for tribal justice systems must include funding for traditional tribal peace-keeping, peace-making, and restorative justice to de-escalate police conflict and promote community safety and wellness; and

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon Congress and the President to enact police reform, including an end to chokeholds and excessive police violence, and renew focus on community wellness and safety in policing and peace-keeping; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress and the President to address systemic discrimination against American Indians and Alaska Natives in federal and state law enforcement, administration of justice, and detention systems, and protect and preserve the free exercise of religion by American Indians and Alaska Natives in federal and state custody; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress and the President to restore the independence of the Department of Justice (DOJ), to establish an Indian Country Law Enforcement Commission that shall include DOJ, Bureau of Prisons (BOP), Federal Bureau of Investigations (FBI), Department of Health and Human Services (DHHS), BIA and tribal nations to address law enforcement, excessive use of force by police, Missing and Murdered Indigenous Women, reduce violent crime and drug trafficking, drug and alcohol abuse treatment and recovery, detention, work re-entry, community policing, peace-keeping, restorative justice, and reduce the excessive American Indian and Alaska Native federal and state prison populations; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress and the President to support and fully fund tribal law enforcement and public safety, which includes detention, drug and alcohol treatment centers, judicial systems, work re-entry, traditional tribal peace-keeping, peace-making, and restorative justice; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress and the President to fully include tribal nations and our unique needs in police reform discussions, legislation, policies, training, and technical assistance, including infrastructure funding for law enforcement, courts, administration of justice, detention, drug and alcohol treatment and therapy, youth facilities, and work re-entry; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress and the President to fully utilize and apply the authorities of the Indian Self-Determination Act, Indian Self-Governance Act, and the principles of interagency cooperation established in the Indian Employment, Training, and Related Services Demonstration Act of 1992, to DOJ, FBI, BOP, and DHHS for public safety, law enforcement, administration of justice, detention, youth programs, work re-entry, and drug and alcohol prevention, treatment, therapy, and recovery; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress, the President, the Secretary of the Interior, and the Attorney General to promote Indian self-determination, self-governance, and tribal autonomy over public safety, law enforcement, the administration of justice, detention, drug and alcohol treatment and therapy, youth programs, and work re-entry, and recognize and respect the autonomy of tribal nations over these essential tribal governmental functions; and

BE IT FURTHER RESOLVED, that NCAI calls upon Congress and the President to reaffirm tribal jurisdiction over all persons within tribal territories in order to ensure comprehensive public safety, law enforcement, and the administration of justice, including the inherent tribal authority to prosecute, exclude, stop, detain, and transport all offenders apprehended within tribal territory, to coordinate with federal and state law enforcement authorities whenever appropriate, including access to fusion centers or creation of inter-tribal fusion centers, and to exclude from tribal territory non-Indians who present a public threat or endanger tribal community safety; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2020 Annual Session of the National Congress of American Indians, held Nov 8, 2020 - Nov 13, 2020, with a quorum present.



Fawn Sharp, President

ATTEST:



Juana Majel Dixon, Recording Secretary