Resolutions Committee Recommendation
Resolution #: AK-21-008
Title: Calling for Federal Police Reform

Comments:
This resolution focuses on the criminal justice reform debates happening at the federal level. AK-21-018 resolution was submitted, amended and passed during NCAI’s 2020 Annual Convention. The content of the resolution is addressed by Resolution #PDX-20-015, Calling for the Inclusion of Tribal Nations and their Unique Needs in Police Reform Discussions, Policies, and Legislation.

Recommendations:

This resolution is national in scope and deemed emergency in nature due to the Administration’s current efforts on the topic of police reform, tribal jurisdiction, tribal resources to address these issues, and murdered and missing Indigenous peoples.

Much of the substance of this resolution is already addressed in PDX-20-015. Therefore, the Resolutions Committee recommends that this Resolution be tabled and that the Litigation and Governance Committee, Jurisdiction & Tribal Governance Subcommittee consider amendments to PDX-20-015 to address issues brought forward in AK-21-008.

Sponsor a member in good standing (yes/no)?: _Y___
TITLE: Calling for Federal Police Reform

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, 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, in the face of civil unrest following the May 2020 killing of George Floyd by Derek Chauvin, a Minneapolis police officer, Americans have shown a desire for Congress to work in a bipartisan way to enact Police Reform; and

WHEREAS, police reform for Indian Country is a matter of national importance and urgency, as the George Floyd Police Reform Bill is under consideration before Congress now and may be passed anytime an agreement is reached; and

WHEREAS, as we continue with the important task of Police Reform ahead of us, we urge the federal government not to forget the unique needs, difficulties and injustices that American Indians face within the justice system; and

WHEREAS, because of our political status, Native Nations have original treaty and government-to-government relationships with the United States, and based upon treaties and statutes, the federal government has undertaken a Federal trust responsibility to protect Tribal nations and to assist with Tribal Governments the provision of law enforcement and justice services to Tribal nations; 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, tribal police, tribal courts and judicial systems are often beset by funding shortages and bureaucratic hurdles, and tribal court programs are in need of financial support; 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 Congress should support law enforcement training for BIA and tribal police in North and South Dakota; and

WHEREAS, establishing and maintaining Federal Law Enforcement Training Programs in North Dakota and South Dakota will assist Tribal Governments with recruiting and retaining qualified tribal police and law enforcement officers; and

WHEREAS, tribal leaders have been forced to divert staff time towards navigating 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 government agencies; and

WHEREAS, detention centers in Indian Country are outmoded, dilapidated, in disrepair, some, like the one that was in operation on the Indian Country, have even been condemned and decommissioned by the BIA without a replacement plan, so detention centers must be re-constructed, repaired and renovated and public safety and justice construction funding is essential to effective tribal justice systems; and

WHEREAS, many offenders in the tribal justice systems are under the influence of alcohol and/or drugs when offenses are committed; and

WHEREAS, it is critically important that tribal justice systems include drug and alcohol abuse treatment and therapy, so Congress must adequately fund tribal government drug and alcohol treatment and therapy facilities; and

WHEREAS, justice statistics, crime data collection and crime victim surveys must meaningfully include American Indian and Alaska Natives to help determine the scope and extent of disproportions in police encounters; and

WHEREAS, tribal nations have long-standing traditions of peace-making, peace-keeping, and restorative justice, America should acknowledge and learn from tribal traditions in the quest to secure police reform, and funding for tribal justice systems must include funding for traditional peace-keeping, peace-making and restorative justice to de-escalate police conflict and promote community safety and wellness.

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 racism against American Indians in Federal and state law enforcement, and in the administration of justice and detention systems, and to 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 the NCAI hereby calls upon Congress to provide sufficient resources and policy focus to address the epidemic problem of Murdered and Missing Indigenous Women and Persons; and

BE IT FURTHER RESOLVED, that the NCAI hereby calls upon the Congress to provide fairness in the Administration of Justice in Indian country, including tribal law enforcement, investigation of offenses, and administration of justice in Indian country under the jurisdiction of the governing tribe; and

BE IT FURTHER RESOLVED, that the NCAI hereby calls upon Congress to consult with Indian nations concerning sentencing for Indian country offenders, consistent with the needs and circumstances of Indian nations and tribes, to provide for Indian country crimes sentencing consistent with the community values and mores of the Indian nations served by DOJ, Interior and Tribal Law Enforcement Services; and

BE IT FURTHER RESOLVED, that the NCAI calls upon Congress to provide for enhancement of tribal jurisdiction of cases involving non-Indian offenders against tribal member children and tribal police officers; and

BE IT FURTHER RESOLVED, that the NCAI calls upon Congress and the Administration to enact legislation to provide Tribal Governments authority to address all misdemeanor offenses and traffic infractions by non-Indians in Indian country through the Central Violations Bureau with deference to Tribal Justice systems to handle such cases in the first instance; 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 2021 Mid Year Conference of the National Congress of American Indians, held June 20, 2021 - June 24, 2021, with a quorum present.

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Fawn Sharp, President

ATTEST:

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Juana Majel Dixon, Recording Secretary