



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution # SPO-16-054

TITLE: Supporting the Tribal Law and Order Reauthorization and Amendments Act

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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, violent crime in Indian country is at epidemic levels, with more than 4 in 5 Native women and men experiencing intimate partner violence, sexual violence, and stalking in their lifetime; and

WHEREAS, the Tribal Law and Order Act (TLOA) is a comprehensive law designed to improve the public safety system in Indian Country: to increase coordination and communication among federal, state, tribal, and local law enforcement agencies; empower tribal governments with the authority, resources, and information necessary to safely and effectively provide public safety in Indian Country; reduce the prevalence of violent crime in Indian Country and to combat sexual and domestic violence; prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian Country; and increase and standardize the collection of criminal data to and the sharing of criminal history information among federal, state, tribal, and local officials responsible for responding to and investigating crimes in Indian Country; and

WHEREAS, the legislation extends the Bureau of Prisons Tribal Prisoner Program for an additional 7 years; and

WHEREAS, the legislation would facilitate increased coordination for indigent defense counsel. In addition, we encourage legislators to include a 3% set-aside in the Defender Services program of the Financial Services and General Government (FSGG) Appropriations bill for indigent tribal defense; and

WHEREAS, the reauthorization addresses the systemic problem of repeat violations of tribal exclusion orders by adding felony offenses under Section 1165 of Title 18 for violations in addition to the current misdemeanor offenses of hunting, trapping, or fishing; and

WHEREAS, Indian tribes continue to be hampered in their ability to identify and provide services for tribal members that enter and leave state and county detention facilities without receiving notice from the courts; and

WHEREAS, under the reauthorization, county courts would be required to provide notice to tribes when a member youth enters a state or local justice system, requiring tribal participation on advisory groups, coordinating services for tribal youth, and including tribal traditional or cultural programs which reduce recidivism as authorized activities for federal funding. In addition, we encourage the addition of notice to tribes when any tribal member leaves state or county detention facilities.

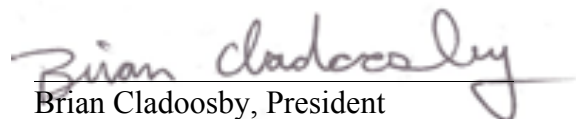
WHEREAS, the reauthorization encourages improving criminal database information sharing with tribal governments. In addition, we urge that the legislation authorize tribal access to background checks for non-law enforcement, civil purposes and fully fund the permanent extension of the Tribal Access Program (TAP).

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians supports the Tribal Law and Order Reauthorization and Amendments Act of 2016, and urges its swift passage.

NOW THEREFORE BE IT FURTHER RESOLVED, that the National Congress of American Indians calls on Congress to consider additional legislative proposals that would address the many remaining gaps in tribal criminal jurisdiction and access to criminal data information.

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