Building Collaborative Relationships to Enhance Tribal-State-Local-Federal Public Safety Efforts

August 27, 2013
3:00-4:00 p.m. ET

Tribal-State Intergovernmental Collaboration on Criminal Justice Issues and Solutions Webinar Series

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3:00-3:05 PM - Introductions & Housekeeping

3:05-3:45 PM - CRS Presentation

3:45-4:00 PM – Q & A Session

4:00 PM - Adjourn
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Moderator

Cabell Cropper
Executive Director
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Presenters

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Welcome to USDOJ Community Relations Service

Building Collaborative Relationships to Enhance Tribal-State-Local-Federal Public Safety Efforts

American Indian Cultural Knowledge

Developing Relationships and Applying Best Practices

www.usdoj.gov/crs

Pascual Marquez
&
Dr. Grace Sage Musser
Benefits of Cultural Knowledge

Cultural Knowledge

Cultural awareness, knowledge, and skills when engaging with American Indian tribal members and American Indian communities

Benefits

- Gain an appreciation for a group of people beyond stereotypes, labels, and generalizations
- Gain more accurate information to establish a trusting relationship
- Increase knowledge base for successful outcomes
- Supports positive professional and personal development
- Increase understanding of how cultural knowledge can enhance justice partnerships
Objectives for Webinar:

- Increase Awareness and Understanding
- Communication and Relationship Development
- Provide Casework and Best Practices
- Communicate How Best Practices Can Be Used to Enhance Justice Partnerships
**Key Terms**

“Indian”
- Degree of blood or blood quantum
- Whether the person is recognized as an Indian by the tribe
- Legal definition – US Code 25
- US v. Bruce (1846); 18 USC 1153

“Indian Country”
- Land in the limits of any Indian reservation under the jurisdiction of US government
- All dependent Indian communities within the borders of the US
- All Indian allotments, Indian titles not extinguished
- 18 USC 1151
Demographics

- Less than 1% of the U.S. population but over 50% of the diversity

American Indian Tribes
  - Federally recognized vs. State recognized
    - Federally Recognized: 566
    - State Recognized: 24

American Indian or Native American
American Indians and Stereotypes

About Indians?

Impact on communication and the development of relationships
Stereotypes We’ve Heard

- All Indians are savages
- All Indians are noble and stoic
- All Indians drink/are alcoholic/s
- All Indians get a check every month from the government
- All Indians do NOT pay taxes
- All Indians are either Lakota, Navajo or Cherokee
- All Indians live in teepees
- All Indians are lazy and undependable and make bad employees
- All Indians are late and on “Indian time”
- All Indians like being called Chief or Squaw – they understand you’re showing respect
- All Indians are retarded or resistant because they don’t talk and share
- All Indians know one another

- These agencies are patronizing
- These agencies are all the same
- These agencies are not to be trusted
- These agencies will use what resources you have and then leave
- These agencies are not reliable
- These agencies are corrupt, liars, and generally dishonest
IMPACT OF STEREOTYPES ON RELATIONSHIPS

Mistrust
Misunderstanding
Miscommunication

How does this impact relationships?

• Anger
• Fear
• Apathy
• Retaliation
What makes American Indian tribes and nations unique?

- Sovereignty
- Government-to-government relationship
- Trust responsibility
UNDERSTANDING SOVEREIGNTY

- The power to establish a form of government
- The power to determine membership
- The power to legislate – adopt civil and criminal laws
- The power to administer justice
- The power to exclude persons from the territory or reservation
- The power of sovereign immunity
Between 1787 and 1871, the US entered into over 400 Treaties with Indian nations: Created Reservations to Protect Well Being and to Protect Land

Trusted the US to fulfill its promises. The US’ obligation to fulfill this trust is called the “trust responsibility.”
Time-line of Events in Indian History

Significance
American Indians have been historically impacted by and have contemporary experience, knowledge and understanding of the role of the historical timeline.
TIME-LINE OF EVENTS IN INDIAN HISTORY
PERIODS THAT IMPACT ALL INDIANS

- Development of US American Indian Policy
  - Pre-constitutional (1532-1789)
  - Sovereignty was understood to be Nations within a Nation as defined by US Courts
- The Formative Years (1789-1871)
  - Discovery Doctrine
  - Marshall Trilogy
    - Johnson v. McIntosh (1823)
    - Cherokee Nation v. Georgia (1831)
    - Worcester v. Georgia (1832)
- Federal Power
  - Congress provided with broad plenary powers
- Indian Trade and Intercourse Act of 1790
  - Congress’ policy to implement treaties
- Removal Era (beginning in the 1830’s)
- The Reservation System (1853)
- The Era of Allotment and Assimilation (1871-1928)
  - Boarding Schools 1880-1902
  - Major Crimes Act of 1885
  - Dawes Act of 1887
  - The Indian Citizenship Act of 1924
TIME LINE CONTINUED

- Indian Reorganization (1928-1945)
  - The Meriam Report of 1928
    - Recommended increase in health and education funding
    - Recommended an end to allotment policy
    - Encouraged self-government
  - The Indian Reorganization Act of 1934
    - Promote Tribal Self-Government

- The Termination Era (1945-1961)
  - The Indian Claims Commission Act of 1946
  - The Termination Acts (HCR 108)
    - 13 Groups singled out for “termination experiment”
    - Tribal land ownership altered
    - All Federal programs were discontinued both to tribes and to individuals
    - Tribal sovereignty was ended
  - Relocation Act of 1954
TIME LINE CONTINUED

- Public Law 280
  - First general Federal legislation extending State Jurisdiction to Indian Country
  - Limited criminal and civil jurisdiction, and certain domestic matters
  - Oliphant vs. Suquamish Indian Tribe (1978)

- The “Self-Determination” Era (1961-Present)
  - Indian Civil Rights Act of 1968
  - Alaska Native Claims Settlement Act of 1971
  - Indian Self-Determination and Education Assistance Act of 1975
  - Indian Health Care Improvement Act of 1976
  - Indian Child Welfare Act of 1978
  - American Indian Religious Freedom Act of 1978

- The Indian Gaming Act of 1988
- Native American Graves Protection and Repatriation Act of 1990
- The Religious Freedom Restoration Act of 1993
- The Indian Trust Reform Act of 1994
- The Indian Tribal Justice Technical and Legal Assistance Act of 2000
- The American Indian Probate Reform Act of 2004
- The Native American Housing Assistance and Self-Determination Reauthorization Act of 2008
- Tribal Law and Order Act (TLOA) of 2010
- Violence Against Women Act (VAWA) of 1994 and Violence Against Women Reauthorization Act of 2013
BUILDING RELATIONSHIPS - TRIBAL CONSIDERATIONS
Building Relationships with Tribes and Tribal Members

- Shaking hands
- Different tribes have different customs
- Looking people in the eye
- Speaking and Silence
- Interrupting, talking over, talking too loud
- Use and belief in animals
- Telling stories
- Use of Ceremonies – Sweat Lodge, Smudging, etc.
Building Relationships - Tribal Considerations

- Respect tribes as sovereign governments
- Tribal nations are not just another public group or interest group
- As much as possible visit, listen, and communicate in person; visit often and, hopefully, before there are issues, concerns or any process has started
- Create a resource list from the leaders or members of the tribe that the tribal leadership identify for you
  - Develop points of community contact/s with their assistance
BUILDING RELATIONSHIPS - TRIBAL CONSIDERATIONS

- Create a resource list from the leaders or members of the tribe that the tribal leadership identify for you - Develop points of community contact/s with their assistance
- It is important to understand how a community is organized
- It is important to understand the authority and leadership in the community
- Be sensitive to the effects of history on the relationship you are trying to establish; lack of trust
Questions may take time to answer – allow the time to community members, tribal members, committees, etc.

Find out how the tribes can participate and respect the right of tribal members/groups not to participate.

Be clear about your work with the tribal members and insure they have a clear understanding of what you do
Building Relationships - Tribal Considerations

- Respect confidentiality of all tribal individuals and members
- Be very flexible – work within their time frame – negotiate
- Respect their world and worldview – participate with tribal members in activities/ceremonies if they request your presence
- Respect their traditions – i.e. serving food; praying prior to any organized activity
Concerns of Indian Nations and Members

- Self-determination; self-governance
- Cultural appropriation/exploitation
- Education
- Religious freedom/desecration of graves and sacred places
- Language revitalization
- Racist stereotypes
- Incarceration rates
- Housing, basic sanitation
- Energy and energy resources
- High unemployment rates on and off the reservation and the lack of employment opportunities
- Health care and access to quality health care
- Identity – children and families
Administration of Justice (AOJ)
- CRS responds to allegations of racial profiling by law enforcement
- CRS responds to allegations of excessive use of force by law enforcement
- CRS assessment includes both PL 280 states and non-PL 280 states

PL 280 has had a number of negative consequences for tribes:
- The act violates tribal sovereignty by giving states criminal jurisdiction
- The act is often cited as a rationale for denying PL 280 tribes funding for law enforcement
- Creates a jurisdictional “vacuum”
- The act gives non-tribal law enforcement greater authority on tribal reservations.
CRS Services and Casework with American Indian Nations

- Education (ED)
  - Public Schools and Bureau of Indian Education Schools - Status determines the parties in the case and the various points of case entry
  - Determine CRS’ interaction with other federal agencies
  - Legacy of “boarding schools”

- General Community Relations (GCR)
  - Encroachment and/or desecration of Sacred sites
  - Public Demonstrations, rallies and/or protest marches
  - Voter rights discrimination
  - Environmental Justice (water, land and air)
  - Border towns
Border Towns conflicts often include:
- Intersection of AOJ, ED and GCR conflicts
- Racial Profiling
- Bias/Hate Crimes
- Disparate Treatment
- Access to Services (i.e. Housing and Health Care)
Best Practices

- Experience the Culture
- Forging strong Partnerships with and between Indian Tribal Governments
- Intentional about building Relationships with Indian Communities
- Focus on Trust in Relationships and between Government and Tribes and Communities
- Acknowledge and Value Indian Knowledge and Participation
- Listening and Asking about Indian Community concerns and issues
- Development of sustained communication and information sharing channels with all parties
Best Practices

- Encourage community and tribal involvement – collaborative engagement
- Address Voting accessibility and targeted populations
- Support Tribal Liaisons in Tribal, State and Local Agencies
- Be deliberate in Power Sharing and Decision Making
- Build Habits and Consistency with Indian Communities
- Strong Communities can be supported and Strengthened
- Acknowledge mistakes and limitations
- Resolve to be a resource
- Assist Indian Communities in moving forward
Best Practices

- Involve and train key stakeholders
- Increases trust and continuity for community members and officials to be involved
- Collaboration with other federal, state and local agencies to provide educational and training opportunities
- Support efforts regarding roles of law enforcement and collaboration (i.e. tribal, local LE and State LE)

- Ongoing educational efforts for tribal communities and border towns
- Collective efforts for partnership with educational systems, health care systems, law enforcement systems, community officials, tribal officials
BJA & Other Resources

Intergovernmental Collaboration

- Walking on Common Ground Website (www.WalkingOnCommonGround.org)
- Training and Technical Assistance Webpage, DOJ Tribal Justice Safety website (http://www.justice.gov/tribal/tta.html)
- National Criminal Justice Association (www.ncja.org/)
- NCAI Tribal Law and Order Resource Center (tloa.ncai.org/)
- Western Community Policing Institute (http://westerncpi.com/training/tribal/)

Federal Resources

- Bureau of Justice Assistance Website (https://www.bja.gov/Default.aspx)
- BJA’s National Training and Technical Assistance Center (NTTAC) (http://bjatraining.org/)
- DOJ Tribal Justice and Safety Website (www.justice.gov/tribal/)
- Office of Tribal Justice, U.S. Department of Justice (http://www.justice.gov/otj/)
- Office of Justice Services, Bureau of Indian Affairs, U.S. Department of Interior http://www.bia.gov/WhoWeAre/BIA/OJS/
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Q & A

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The 2013 Tribal-State Intergovernmental Collaboration on Criminal Justice Issues and Solutions Webinar Series highlights partnership activities involving tribal, state, local and federal entities who are working together to enhance public safety. In this 8-part webinar series, tribal, state and federal presenters from law enforcement, public safety and courts communities will share their experience and solutions to address criminal justice issues. Key sponsors and partners of this webinar series are below:

- U.S. Department of Justice, Bureau of Justice Assistance
- National Criminal Justice Association
- National Congress of American Indians

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THANK YOU
FOR JOINING US

Today’s slides and a recording of this webinar will be available at:

http://www.ncja.org/webinars-events/state-tribal-collaboration-webinar-series

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