

# Chief's Address to the Nation

zens and their elected leaders.

## The Commission's Goal

- To end the public safety gap – the legacy of failed Federal laws and policies – that makes Native American and Alaska Native communities frequently less safe, and often dramatically more dangerous, than the rest of our country.

## Key Findings and Recommendations

- The Federal government is largely to blame for the decades-old public safety gap in Native America.

- This is true directly, through outmoded Federal command-and-control laws, policies and institutions, and indirectly through Congressional authorized State criminal jurisdiction over Indian people and lands through Public Law 83-280 and Congressional Settlement Act tribes.

- Whereas the rest of the United States relies primarily on locally and regionally based criminal justice systems – local police, prosecutors, defenders, judges and juries, corrections and wrap-around services – Federal law forces Native communities to do precisely the opposite.

- Tribes typically must depend on Federal and/or State laws and agencies dispensing justice from outside their communities, with comparatively fewer resources and less accountability to local citizens, making Tribal nations less safe.

- “When Congress and the Administration ask why the crime rate is so high in Indian country, they need look no further than the archaic system in place, in which Federal and State authority displaces Tribal authority and often makes Tribal law enforcement meaningless.”

## Key Recommendations

- By respecting and reinforcing the power of locally based Tribal criminal justice systems to protect all people and lands within Tribes' borders – while enforcing the Federal Constitutional rights of all U.S. citizens there – and by achieving parity in Tribal justice funding compared with comparable parts of our country, our nation can narrow and ultimately eliminate this public safety gap.

- The United States should set a bipartisan national policy goal of eliminating the Indian country public safety gap by 2024 – the centennial of the Indian Citizenship Act, when all Native Americans could finally vote in Federal elections.

## Jurisdictional Reform:

### Bringing Clarity Out of Chaos

- Give Tribes freedom to exit the Federal criminal justice system entirely, except for laws of general application, and guarantee that same freedom to Tribes in P.L. 83-280 States.

- Ensure a direct appeal from Tribal court to new Federal court – the U.S. Court of Indian Appeals – for all criminal defendants for alleged Federal Constitution rights violations

- Apply the Federal Speedy Tribal Act, 18 U.S.C. Section 3161, to all Tribal court criminal proceedings.

- Amend the Indian Civil Rights Act to permit Tribal governments to define their own criminal laws and sentences.

### Making Alaska Safer

Most Alaska Native communities lack regular access to police, courts and related services.

- Services are based in regional hubs that are usually remote from the communities they serve.

- Village Public Safety Officers, who provide some basic services, cannot carry firearms – although most offenders do.

- At least 75 communities lack any law enforcement presence at all.

- There is just one woman's shelter located in Alaska's 229 Federally recognized Native villages and no juvenile shelters at all.

- Alaska Native women are 19% of the total population but 47% of reported rape victims.

- Domestic violence rates for reported crimes are up to 10 times higher than the rest of the United States.

As one Alaska Native Tribal leader told the Commission during one of our many field visits across the state:

- “Every woman you've met today has been raped. All of us... we all know each other. Please tell Congress and President Obama before it's too late.”

- Respect Tribal court orders.
- Encourage locally based criminal justice systems.

- Stop exempting Alaska Natives

from Federal public safety laws.

## Strengthening Tribal Justice

- Ensure that Tribal prosecutors Federally deputized as SAUSAs – Special Assistant U.S. Attorneys – should be presumptively entitled to Federal criminal justice information, including evidence and case files, so Tribes may effectively assert concurrent jurisdiction.

- Enable Federal agents to serve as witnesses in Tribal court proceedings.

## Monitor and improve Federal law enforcement training and performance within the Bureau of Indian Affairs – Office of Justice Services.

- Develop a Federal judicial plan to enhance trials and court proceedings in Indian country.

- Establish a “Special Assistant Federal Public Defender Program” to deputize Tribal defenders to receive law-enforcement sensitive Federal criminal justice information in cases involving concurrent Tribal jurisdiction.

- Move to Federal base funding to achieve parity in Tribal criminal justice systems with comparable off-reservation jurisdictions.

- Recognize that the current Federal grant-funding system servicing Indian country is broken and should be replaced by a base-funding program for Tribes that reduces costs to U.S. taxpayers over the longer run.

- Reform Federal criminal justice data reporting and information systems.

- Consolidate all Federal criminal justice services for

- Tribes in the U.S. Department of Justice to enhance performance and accountability – and keep things from falling between the inter-departmental cracks.

## Intergovernmental Cooperation

- Improve Federal law enforcement deputization programs and incentivize cross-deputation among Federal, State and Tribal agencies.

- This includes model Tribal-State agreements along with enhanced insurance coverage/risk management programs to enable cross-jurisdictional cooperation.

- Provide Federal and State notification to Tribes at each stage of criminal justice proceedings to protect victims and enhance offender services, and vice-versa.

## Detention

- Mandate notification to Tribes when offenders enter and leave the Federal Bureau of Prisons to facilitate consideration of offender placement, community supervision, and re-entry programs.

- Enable Federal court sentencing to Tribal corrections and, as appropriate, alternative programs.

- Streamline Federal correctional programs within one agency (U.S. Department of Justice).

- Codify TLOA's BOP pilot program so Tribal courts have the permanent option of sentencing Tribal offenders to Federal detention.

- Incentivize effective alternatives to detention where appropriate.

## Juvenile Justice

The Commission's report is one of the first comprehensive policy assessments of juvenile justice in Native America:

- “Indian country juvenile justice exposes the worst consequences of our broken Indian country justice system.... Federal and State juvenile justice systems take Indian children, who are the least well, and make them the most incarcerated.”

- Native American and Alaska Native juveniles have the highest per-capita rate of violent victimization.

- Among juveniles, Native juveniles suffer Post-Traumatic Stress Disorder (PTSD) at a rate of 22% - triple the general population and exceeding or matching PTSD rates in military personnel who served in Afghanistan and Iraq.

- Disproportionately high rates of Native juveniles dying from alcohol abuse, suicide, and violate crime contribute to an average life expectancy for Native American males in the United States of just 56 years – a rate that averages in the early 40s in many of the Native communities the Commission visited.

- Federal criminal law and judicial proceedings result in systematically longer and more severe sentences of incar-

ceration for Native juveniles for offenses on Tribal lands as compared to the same or similar crimes off-Reservation.

## Reforming Juvenile Justice

- Instead of automatically transferring Native juveniles to Federal custody in cases involving felonies, as has been mandated since 1938, Tribes should be free to assert jurisdiction over juvenile offenders so long as they respect the Federal Constitutional rights.

- Tribes that choose to exit P.L. 83-280 State criminal jurisdiction should have this same freedom to develop and enforce their own juvenile justice laws, institutions and programs, just as State and local governments do elsewhere in our country.

- Parole is unavailable to juveniles in Federal detention; secondary education is not provided; opportunities for incentivized rehabilitation – wellness and diversion programs, for instance – are practically non-existent.

## Recommendations

- The Commission recommends requiring Tribal consent to Federal prosecutions of juveniles, including whether to charge younger Native offenders as adults.

- Federal funding should follow victims and offenders, so that Tribes can more effectively address local priorities.

- The Federal government and States should notify Tribes at all key stages of juvenile justice proceedings involving Tribal citizens, and data/information systems should be configured accordingly.

- Federal courts hearing Indian country juvenile matters ought to be required to establish pretrial diversion programs for such cases that allow sentencing in Tribal courts.

- The Indian Child Welfare Act should be amended to provide that when a State court initiates any delinquency proceeding involving an Indian child for acts that took place on the reservation, all the notice, intervention and transfer provisions of ICWA will apply. For all other Native children in State delinquency proceedings, ICWA should be expanded to require notice to the Tribe and a right to intervene.

## Conclusion

- “The Commission finds that the

public safety crisis in Native America is emphatically not an intractable problem.... We see breathtaking possibilities for safer, strong Native communities achieved through home-grown, Tribally based systems that respect the civil rights of all U.S. citizens and reject outmoded Federal command-and-control policies in favor of increased local control, accountability and transparency.”

## Legislative Alert: House & Senate Introduced Legislation

Resolutions. S Res 305. Sponsor: Cantwell, Maria (D-Wash.)

Official Title: A resolution recognizing National Native American Heritage Month and celebrating the heritages and cultures of Native Americans and the contributions of Native Americans to the United States.

Cosponsors: 24 Total (18 Democrats, 6 Republicans)

Last Major Action: Nov. 20, 2013 — Resolution agreed to in the Senate by unanimous consent.

The Native American Caucus of our Oklahoma Legislature have had several requests this past year about authoring legislation to establish an American Indian Heritage Day. Information about what already exists in statute and to discuss the legislative options with tribal leaders will be added to the United Indian Nations of Oklahoma, Kansas, and Texas (UINOKT) agenda soon.

## Short Take

- \* The new parking lot/area at the Judicial Building (Court House) is scheduled to be finished at the end of November and then the Community Building parking lot/area will begin the first part of December. Both areas provide much needed expansions with more handicap and regular parking spaces and better lighting.

We extend an apology to everyone that may have or may be affected during the construction of these new projects, but, when they are completed, then they will certainly have been worth the inconvenience.

It has been a pleasure and honor to have served as your Chief during 2013 and my prayers are with our Nation for 2014.

Sincerely,  
George Thurman, Principal Chief

# URGENT

## NOTICE TO VETERANS

Men and Women especially WW1, WW2 and Korean

The Sac and Fox National Public Library

is asking for your DD 214's for their records

and **Memorial Monument Purposes**

See Cathrine Walker

1-918-968-0705

## Attention Black Hawk Health Center Patients

We have a new phone system

and our extensions have changed

When you call the clinic please listen to the menus

- Press 1..... for Contract Health
- Press 2..... for Pharmacy
- Press 3..... for Medical Records
- Press 4..... for Nursing
- Press 5..... for Behavioral Health
- Press 6..... for Merle Boyd Center
- Press 7..... for Transportation
- Press 8..... for CHRs
- Press 9..... for Administration
- Press 0..... for the Operator