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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Webinar Overview

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

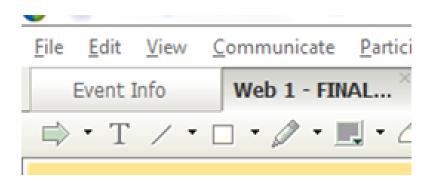


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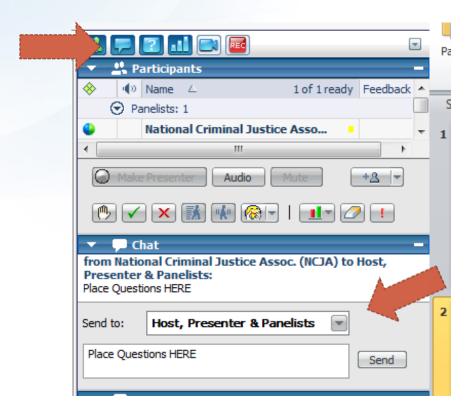
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Moderator



Cabell Cropper

Executive Director
National Criminal Justice Association

Presenters

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Region VII Director

The Community Relations Service (CRS)

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Dr. Grace Sage Musser

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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

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

CRS American Indian Cultural Knowledge

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
- o 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
- o 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

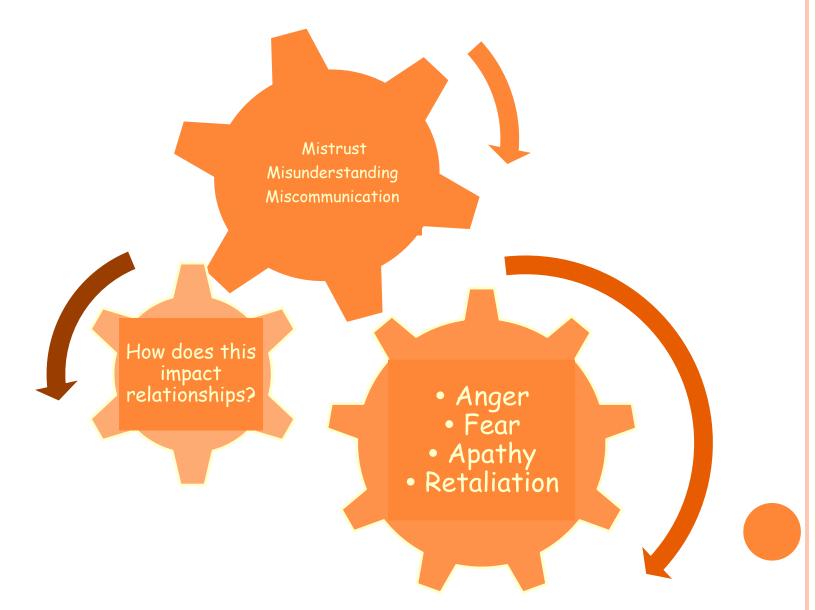
- All Indians are savages
- All Indians are noble and stoic
- All Indians drink/are alcoholic/s
- All Indians get a check every month from the government
- All Indians do NOT pay taxes
- All Indians are either Lakota, Navajo or Cherokee

- 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

AMERICAN INDIAN STEREOTYPES OF "GOVERNMENT-EDUCATION-HEALTHCARE-LAW ENFORCEMENT" AGENCIES

- 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



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

GOVERNMENT-TO-GOVERNMENT RELATIONSHIP AND TRUST RESPONSIBILITY

 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
 - o 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 End of Treaty Making 25 U.S.C. 71 (1871)
- 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 selfgovernment
- 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

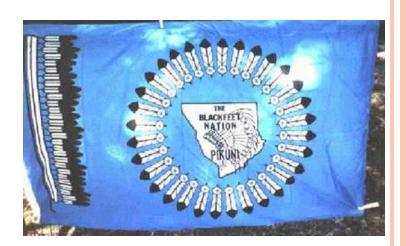
- The Indian Gaming Act of 1988
- Native American Graves Protection and Repatriation Act of 1990
- The Religious Freedom Restoration Act of 1993
- The Indian Trust Reform Act of 1994
- The Indian Tribal Justice Technical and Legal Assistance Act of 2000
- The American Indian Probate Reform Act of 2004
- 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

BUILDING RELATIONSHIPS - TRIBAL CONSIDERATIONS

- 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



CRS SERVICES AND CASEWORK WITH AMERICAN INDIAN NATIONS

- 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

CRS SERVICES AND CASEWORK WITH AMERICAN INDIAN NATIONS

- *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.WalkingOnCommongGround.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 (<u>http://westerncpi.com/training/tribal/</u>)

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

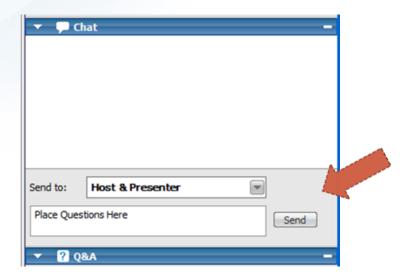
http://www.bia.gov/WhoWeAre/BIA/OJS/





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- National Criminal Justice Association
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