



2009 Annual Conference Tacoma, Washington

RESOLUTION #09 - 77

“LAW AND ORDER ACT S. 797”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest 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 rights secured under Indian Treaties and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, S 797 and HR 1924 generally seek to bring greater local control to tribal and other law enforcement agencies to combat reservation crime, and establish accountability measures for federal agencies responsible for providing public safety in Indian Country; and

WHEREAS, Title I of the bill would require the Department of Justice to file declination reports to tribal justice officials to coordinate the prosecution of reservation crimes. This Title would also enhance consultation and communication between the Bureau of Indian Affairs Office of Justice Services and tribal communities. It would also require the BIA to issue annual spending and unmet needs reports; and

WHEREAS, Title II of the bill would permit tribes to call on the United States to assist State governments in the prosecution of major crimes where the States have the authority, but lack the resources to address reservation crimes which would also establish a program to provide technical and financial assistance to encourage tribal-State cooperative law enforcement agreements; and

WHEREAS, Title III would provide tools to tribal justice officials to fight crime in their own communities. This Title would expand on a program to authorize tribal police to make arrests for all crimes committed on Indian lands. It would also provide tribal police greater access to national criminal history databases, expand training opportunities to tribal colleges and state academies, and set timelines on BIA background checks; and

WHEREAS, Section 304 of the bill would increase the sentencing authority of tribal courts to three years for any single offense (up from 1-year limitation under current law). Tribal courts exercising the increased authority must provide defense counsel for indigent defendants. This provision would also permit Tribes to transfer prisoners to the Bureau of Prisons (BOP), pursuant to agreement with the BOP; and

WHEREAS, Title IV would reauthorize and amend existing programs to better serve tribal communities. The programs to be reauthorized include the BIA and DOJ tribal courts laws, the DOJ Jails statute, tribal juvenile justice laws, and the Indian Alcohol and Substance Abuse Act. Importantly, this Title would also reauthorize the DOJ Tribal Community Oriented Policing Services program to permit long term, and in some cases, permanent grants for the hiring and training of tribal police officers, and purchase of computers, weapons, vehicles, and other necessary equipment; and

WHEREAS, Title V would improve the collection of reservation crime data and criminal history information sharing by tribal, federal, and state law enforcement officers responsible for investigating and enforcing crimes committed in Indian Country; and

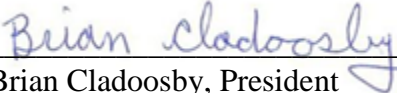
WHEREAS, Title VI includes provisions to address the epidemic of domestic violence and sexual assault in Indian Country. Section 601 would require federal officials to notify tribal justice officials when a sex offender is released from federal custody into Indian Country. It would also require the US to register the offender with the tribal registry, if applicable. Section 602 requires law enforcement officers and prosecutors to receive specialized family violence training to enhance the prosecution of crimes of sexual violence in Indian Country. Section 603 requires federal employees to testify – where they obtain knowledge of a crime within the scope of their duties – in tribal court, to help support prosecutions at the local tribal level; now

THEREFORE BE IT RESOLVED, that the Affiliated Tribes of Northwest Indians does hereby support the provisions of S 797 and H.R. 1924 that would increase jurisdiction in Indian Country, require increased efforts by the Federal Government to provide services and resources to Tribes to ensure the health and safety of communities; and

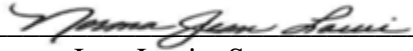
BE IT FURTHER RESOLVED, that this resolution shall be the policy of ATNI *until the final adjournment of the 111th Congress.*

CERTIFICATION

The foregoing resolution was adopted at the 2009 Annual Conference of the Affiliated Tribes of Northwest Indians, held at the Greater Tacoma Convention & Trade Center, Tacoma, Washington on September 21 - 24, 2009 with a quorum present.



Brian Cladoosby, President



Norma Jean Louie, Secretary