



2017 Winter Convention Grand Mound, WA

RESOLUTION #17 – 07

“SUPPORT WASHINGTON STATE LEGISLATION ADDRESSING CRIMINAL LIABILITY FOR POLICE MISUSE OF DEADLY FORCE AND INCREASE TRIBAL INVOLVEMENT”

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, Executive Orders, 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 to 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/Alaska Natives and tribes 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 the ATNI; and

WHEREAS, the ATNI tribes have a large presence in Washington State and their members are located throughout the state, and Tribes and their members are in frequent contact with law enforcement agencies throughout the state; and

WHEREAS, the issue of police use of deadly force is of particular concern to tribes and tribal members throughout the state because several of our tribal communities continue to experience tragic situations and, according to the Center on Juvenile and Criminal Justice, Native Americans are the group most likely to be killed by law enforcement; and

WHEREAS, the care and safety of our members is paramount and we will do all we can to help protect them and make our communities safe for generations to come; and

WHEREAS, the State of Washington established a joint legislative Task Force on the use of deadly force in community policing, with the Task Force meeting this summer and fall, with membership including Puyallup Tribal council member Timothy Reynon representing the Governor's Office of Indian Affairs on the Task Force; and

WHEREAS, the Task Force prepared recommendations and submitted a report to the Governor and the Legislature; and

WHEREAS, the Task Force report addresses the major issue confronting communities today, which is the defacto immunity from criminal prosecution for unjustified use of deadly force by law enforcement; and

WHEREAS, the Task Force report takes many of the recommendations of the Presidential Task Force on 21st Century Policing, and suggests model policies and law changes for Washington State; and

WHEREAS, while the Task Force report and recommendations are good for the state, there is more that can be done in Washington State law to ensure that tribal people and tribal culture is understood and respected, and tribal governments, individual tribal members, their families, and any deceased persons are treated fairly; now

THEREFORE BE IT RESOLVED, that ATNI supports the recommendations adopted by the Washington State Joint Legislative Task Force on the Use of Deadly Force in Community Policing, and supports HB 1529 and SB 5073 as introduced, and any other legislation put forth to implement any of the Task Force recommendations; and

BE IT FURTHER RESOLVED, that ATNI acknowledges the significant changes needed to Washington State's use of deadly force laws and strongly supports Task Force recommendation B2, which replaces the "without malice and with a good faith belief" clause with a "reasonable officer" clause that establishes an objective standard while protecting the honest mistakes of police officers; and

BE IT FURTHER RESOLVED, that ATNI has identified at least six other areas in state law that need to be addressed in order to acknowledge and respect the unique, sovereign

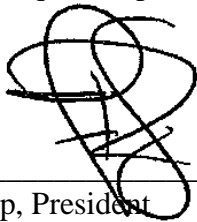
status of the tribes in the State of Washington, and protect and advance the interests of tribal people, which are:

- (1) Develop protocols for law enforcement departments and coroner and medical examiners' offices to work with local tribes when tribal members are involved in police use of deadly force incidents.
- (2) Include one or more qualified tribal members as participants in any civilian oversight boards that oversee any jurisdiction located on or near a tribal reservation.
- (3) Include tribal cultural awareness training by qualified tribal representatives as part of the enhanced Criminal Justice Training Academy training, Washington State Patrol Training Academy, and on-going training recommended by the Task Force, and require such training for those jurisdictions located on or near any tribal reservation.
- (4) Include at least one qualified tribal member or tribal law enforcement officer as a participant in any external and independent criminal investigations in cases of police use of force resulting in death, officer-involved shootings resulting in injury or death, or in-custody deaths, where the victim is a tribal member.
- (5) Review the hiring practices for law enforcement officers and provide hiring preferences for enrolled tribal members in law enforcement departments serving tribal communities and actively recruit tribal members to apply for such positions.
- (6) Provide better access to the Washington State Criminal Information Center (WSCIC) to allow tribal law enforcement departments to input tribal criminal information; and

BE IT FINALLY RESOLVED, that ATNI will work to support these efforts and shall communicate with Governor Inslee and with legislative leadership regarding the importance of these changes to protect and serve tribal people.

CERTIFICATION

The foregoing resolution was adopted at the 2017 Winter Convention of the Affiliated Tribes of Northwest Indians, held at Great Wolf Lodge, Grand Mound, Washington, on January 23 – 26, 2017, with a quorum present.



Fawn Sharp, President



Norma Jean Louie, Secretary