



Resolution of the NATIONAL NATIVE AMERICAN BAR ASSOCIATION

RESOLUTION # 2015-1

TITLE: To Support Implementation of the Indian Law and Order Commission Recommendations

WHEREAS, the National Native American Bar Association (“NNABA”) works to promote issues important to the Native American community and to improve professional opportunities for Native American lawyers, we do hereby establish and submit the following resolution; and

WHEREAS, NNABA was founded in 1973 and serves as the national association for Native American attorneys, judges, law professors and law students, and NNABA strives to be a leader on social, cultural, political and legal issues affecting American Indians, Alaska Natives, and Native Hawaiians; and

WHEREAS, NNABA has long supported the governmental sovereignty of all independent Native tribal governments in the United States, including their criminal justice systems; and

WHEREAS, Indian people today experience disproportionate rates of violent crime in their communities; and

WHEREAS, unlike most federal, state, territorial, and local criminal justice services, tribal governments lack meaningful decision making about their own criminal justice due to a web of complicated and conflicting jurisdictional rules and limitations; and

WHEREAS, Indian country suffers from at least a 50 percent law enforcement staffing shortfall, including at least 75 Alaska Native communities which lack *any* law enforcement presence whatsoever; and

WHEREAS, tribal justice systems, including alternatives to incarceration programs, suffer from inconsistent and unequal federal funding compared to their state counterparts, including the perpetual failure for Congress to fund the Indian Tribal Justice Act of 1993; and



WHEREAS, Native youth are disproportionately incarcerated in the federal system to the extent that between 1999 and 2008, 43-60 percent of juveniles held in federal custody were American Indians; and

WHEREAS, Alaska Natives suffer unique needs, including the need for Alaska Native lands to be treated as Indian country, and the need for Alaska Native governments to enjoy the same inherent criminal jurisdiction as tribes located in other states; and

WHEREAS, pursuant to the Tribal Law and Order Act of 2010, the Indian Law and Order Commission submitted their report, *A Roadmap for Making Native America Safer*, to the President and Congress of the United States in November of 2013, which included a comprehensive study of law enforcement and criminal justice in tribal communities as well as forty (40) recommendations regarding improvements to the justice systems at the tribal, federal, and state levels; and

WHEREAS, the forty recommendations, while touching upon various topics including jurisdiction, Alaska Natives, law enforcement, intergovernmental cooperation, detention and alternatives to detention, and juvenile justice, form a collection of necessary actions required to properly enable Native nations to build and maintain their own criminal justice systems; and

WHEREAS, specifically among those recommendations includes the recommendation that each tribal sovereign should have the option to fully or partially opt out of the jurisdictional maze and fully exercise their inherent criminal jurisdiction over all persons within the tribe's territory without any sentencing limitations; and



NOW THEREFORE BE IT RESOLVED, that the National Native American Bar Association calls upon the President and Congress of the United States, as well as tribal, state, and local governments to promptly implement all forty of the Indian Law and Order Commission Report recommendations.

CERTIFICATION

The foregoing resolution was adopted by the Board of the National Native American Bar Association, on January 11, 2015, with a quorum present.

Mary Smith

Mary L. Smith, President