



DISSERTATION APPROVED BY

3/18/24

Date

Antoinette Polito

Antoinette Polito, Ed.D., Chair

Christie Prairie Chicken

Christie Prairie Chicken, Ed.D.,  
Committee Member

Leah Georges

Leah Georges, Ph.D., Program Director

A. Barron Breland

A. Barron Breland, D.M., Dean

TRIBAL CRIMINAL JURISDICTIONAL AUTHORITY IMPACT ON INDIGENOUS  
PEOPLE'S SAFETY AND ACCESS TO JUSTICE: A MULTIPLE-CASE STUDY

---

By  
KARIM TRUEBLOOD

---

A DISSERTATION IN PRACTICE

Submitted to the Faculty of the Graduate School of Creighton University in Partial  
Fulfillment of the Requirements for the Degree of Doctor of Education in  
Interdisciplinary Leadership

---

Omaha, NE  
March 15, 2024

Copyright 2024, Trueblood Karim

This document is copyrighted material. Under copyright law, no part of this document may be reproduced without the expressed permission of the author.

## Abstract

The Dissertation in Practice (DIP) implements a qualitative multiple-case study to investigate the patchwork of legislation and policy impacting Indigenous people's safety and access to justice. The study focuses on the complexities arising from Public Law 280 (PL 280), including four unique case studies bounded by jurisdictional authority; Alaska and California represent PL 280 and Oklahoma and South Dakota non-PL 280. The cases are guided by the complex interplay of Lands and Laws, Law Enforcement, Courts, and Data Sharing. Additionally, ten expert attorneys were interviewed to provide unique professional insights. Through cross-case analysis, the study highlights the obscure and conflicting dynamics affecting tribal criminal jurisdictional authority. The study proposes two strategies: the Knowledge Nexus Project and the Sovereign-State Safe Accord Initiative. The Knowledge Nexus Project proposes to establish an accessible and user-friendly online hub to centralize information, while the Sovereign-State Safe Accord Initiative seeks to establish an Indigenous-led coalition to advocate for legislative reform. Preliminary implementation plans prioritize structure and flexibility. Furthermore, the study recognizes the need to embrace the humanity of Indigenous people through a spiritual and Ignatian leadership paradigm. Implementing collaboration, discernment, reflection, compassion, cultural awareness, and religious tolerance to shape Indigenous-centered alternatives. Respecting Indigenous culture and traditions, empowering tribal sovereignty, and promoting the right to self-government are means to foster reconciliation and work towards a more equitable and just future.

*Keywords:* Indigenous, Ignatian leadership, justice, policy analysis, safety, social justice.

## **Dedication**

I dedicate this Dissertation to the enduring resilience of Indigenous communities, whose voices have historically faced attempts to be silenced by systemic barriers hindering safety and equitable access to justice. May our collective efforts toward understanding and reform be guided by compassion and an authentic pursuit of equitable justice for all.

## Acknowledgments

I extend my deepest gratitude to Dr. Polito and Dr. Prairie Chicken for their invaluable guidance, expertise, and support throughout the journey of completing this dissertation. Their combined strengths, actionable feedback, encouragement, and trust in my abilities allowed me to enjoy the process of writing my dissertation.

To my son Ricardo, I am deeply grateful for his steadfast support throughout my academic journey, despite his military service and the distance. His phone calls and encouragement kept me motivated.

To my bonus daughter Ila, I express my appreciation for challenging me to use my voice, reminding me that remaining silent only perpetuates the problem.

To my husband, who has been an inspiration and sounding board for the last couple of years. His unwavering support, understanding, and patience have been a cornerstone of my academic journey.

To all my professors, peers, and friends. Thank you!

## Table of Contents

Abstract .....	iii
Dedication .....	iv
Acknowledgments .....	v
Table of Contents .....	vi
List of Tables .....	xiii
List of Figures .....	xiv
<b>CHAPTER ONE: INTRODUCTION</b> .....	<b>1</b>
Statement of the Problem.....	1
Purpose of the Study .....	3
Research Question .....	3
Aim of the Dissertation in Practice .....	4
Definition of Relevant Terms .....	4
Methodology Overview .....	6
Delimitations, Limitations, and Personal Biases .....	7
Reflection of the Scholar-Practitioner .....	8
Summary .....	9
<b>CHAPTER TWO: LITERATURE REVIEW</b> .....	<b>11</b>
Historical and Legal Perspectives .....	11
Pre-1900 .....	12
Foundational Documents .....	12
Going West .....	13
Checkerboard .....	14

1900-2000 .....	17
Termination.....	17
Public Law 280 .....	18
The Great Land .....	19
Self-Determination.....	20
New Limitations.....	22
2000-Present .....	23
Oklahoma Conundrum.....	24
Violence Against Women’s Act .....	25
A Glimpse of Hope .....	26
Missing and Murdered Indigenous Women (MMIW) & Missing and Murdered Indigenous People (MMIP).....	27
Current Conditions.....	28
Department of Justice .....	29
Office on Violence Against Women.....	31
Bureau of Indian Affairs .....	31
Operational Challenges.....	33
Data .....	34
Insufficient Resources.....	35
Law Enforcement.....	36
Judicial System .....	38

Leadership Theories.....	39
Spiritual Leadership.....	40
Ignatian Leadership.....	42
Summary.....	45
CHAPTER THREE: METHODOLOGY.....	46
Research Question.....	46
Method.....	46
Research Design Overview.....	47
Participants.....	50
Data Collection.....	51
Data Collection Procedures.....	52
Data Collection Tools.....	52
Data Analysis.....	54
Methodological Integrity.....	55
Ethical Considerations.....	55
Summary.....	56
CHAPTER FOUR: FINDINGS AND CROSS-CASE ANALYSIS.....	57
Findings.....	57
Public Law 280.....	58
Alaska.....	59
Lands and Laws.....	59

Law Enforcement.....	62
Courts.....	68
Data Sharing.....	70
Alaska Summary.....	72
California .....	73
Lands and Laws .....	73
Law Enforcement.....	76
Courts.....	79
Data Sharing.....	80
California Summary.....	82
Non-Public Law 280.....	82
Oklahoma.....	83
Lands and Laws .....	84
Law Enforcement.....	89
Courts.....	93
Data Sharing.....	95
Oklahoma Summary .....	98
South Dakota.....	98
Lands and Laws .....	99
Courts.....	103

Data Sharing.....105

South Dakota Summary ..... 106

Experts Interviews Findings .....107

Humanity..... 109

Public Perception ..... 110

Fellowship..... 111

Resources ..... 112

Cross Case Analysis.....114

Land and Laws ..... 114

Law Enforcement..... 121

Courts..... 123

Data Sharing..... 126

Summary ..... 126

Discussion .....127

Summary .....128

CHAPTER FIVE: PROPOSED SOLUTIONS AND IMPLICATIONS.....130

Aim Statement .....130

Proposed Solutions.....131

Knowledge Nexus Project..... 131

Justification.....131

Sovereign-State Safe Accord Initiative..... 132

Justification .....	132
Evidence that Supports the Solution .....	133
Knowledge Nexus Project.....	133
Sovereign-State Safe Accord Initiative.....	133
Evidence that Challenges the Solution .....	133
Knowledge Nexus Project.....	133
Sovereign-State Safe Accord Initiative.....	134
Implementation of the Proposed Solution(s) .....	134
Knowledge Nexus Project.....	134
Sovereign-State Safe Accord Initiative.....	137
Factors and Stakeholders Related to the Implementation of the Solution .....	138
Knowledge Nexus Project Factors.....	139
Sovereign-State Safe Accord Initiative Factors for Consideration.....	140
Timeline for Implementation of the Solution .....	142
Knowledge Nexus Timeline .....	142
Sovereign-State Safe Accord Initiative Timeline .....	143
Evaluating the Outcome of Implementing the Solution .....	144
Knowledge Nexus Project Evaluation .....	144
Sovereign-State Safe Accord Initiative Evaluation .....	145
Implications.....	146

Practical Implications.....	146
Implications for Future Research.....	147
Implications for Leadership Theory and Practice.....	148
Summary of the Dissertation in Practice .....	149
References.....	152
Appendix A.....	185
Appendix B.....	185
Appendix C.....	189
Appendix D.....	192
Appendix E.....	194
Appendix F.....	205
Appendix G.....	208
Appendix H.....	209
Appendix I.....	210
Appendix J.....	211
Appendix K.....	212
Appendix L.....	213
Appendix M.....	216
Appendix N.....	218
Appendix O.....	219
Appendix P.....	226
Appendix Q.....	228
Appendix R.....	229

## List of Tables

Table 1 Alaska State Troopers Detachments .....	63
Table 2 VPSO Communities Served.....	64
Table 3 Tribal Courts in Alaska.....	69
Table 4 SLEC Tribal Enforcement Agencies in California .....	76
Table 5 California Intertribal Court, Tribes Served.....	79
Table 6 Bureau of Indian Affairs Law Enforcement Services to Tribal Governments ....	90
Table 7 Oklahoma Tribal Law Enforcement Agencies .....	91
Table 8 Courts of Indian Offenses .....	93
Table 9 Oklahoma Tribal Agencies ODIS and TAP Programs Participation.....	97
Table 10 South Dakota Tribal Law Enforcement Agencies .....	102
Table 11 Public Law 280 Jurisdictional Authority .....	117
Table 12 Non-PL 280 Jurisdictional Authority .....	117
Table 13 Tribal Governments Exercising Expanded Criminal Jurisdiction .....	118
Table 14 Theoretical Indigenous Offender Jurisdictional Authority .....	119
Table 15 Significant Contemporaneous Proceedings .....	120
Table 16 Knowledge Nexus Project Implementation Plan .....	135
Table 17 Sovereign-State Safe Accord Initiative Proposal.....	137
Table 18 Preliminary Stakeholder Inventory .....	138
Table 19 Knowledge Nexus Project Timeline .....	142
Table 20 Sovereign-State Safe Accord Initiative Timeline .....	143

**List of Figures**

Figure 1 Alaska Native Claims Settlement Act (ANCSA) Regions.....	60
Figure 2 Tribes Participating in the TAP Program in Alaska.....	71
Figure 3 Tribes Participating in the TAP Program in California.....	81
Figure 4 Allotment Map Creek Nation .....	86
Figure 5 Oklahoma Federal Declination Post-McGirt.....	95
Figure 6 Tribes Participating in the TAP Program in Oklahoma .....	96
Figure 7 South Dakota 1964 Indian Country Jurisdiction Referendum Vote.....	101
Figure 8 Expert’s Interviews Patchwork of Emerging Categories .....	108
Figure 9 Incompatible Principles Impacting Power Imbalance.....	113
Figure 10 Data Sharing Maze .....	127

## CHAPTER ONE: INTRODUCTION

This chapter provides a comprehensive account of the intended framework and foundational elements guiding the inquiry of this dissertation in practice. Additionally, it briefly introduces the current problem of violence against American Indians and Alaskan Natives. It establishes the importance of examining and understanding the impact of historical and contemporary policy and legislation concerning tribal criminal jurisdictional authority. Equally important, it introduces a brief methodological overview, shares the author's anticipatory reflection and motivation to conduct the study, and establishes the objective to produce comprehensive and actionable solutions for decision-makers in order to petition for policy change while highlighting the ethical impact of historical events on contemporary leadership.

In order to provide a consistent and inclusive synthesis and analysis of the literature, maintain academic integrity, and honor the diversity of Native Americans and Alaskan Natives, the term Indigenous is employed with respect, awareness, and recognition of the diverse ethnicity and languages, rich history, and unique cultures and experiences of the 574 federally recognized Indian Nations and their citizens.

### **Statement of the Problem**

The United States continues to experience an epidemic of violence against Indigenous people (National Congress of American Indians Policy Research Center [NCAI], 2021). Multiple organizations have recognized the crisis of violence against Indigenous people (Department of Justice, 2021; Lucchesi & Echo-Hawk, 2018; United States Government Accountability Office [GAO], 2019; 2021). The World Health Organization (WHO) has designated the overall violence against women a human rights

issue, and it estimated the magnitude of the crisis to be even worse for Indigenous women (World Health Organization [WHO], 2021). There is still a lack of consensus on what actions can be classified as violent (Gover & Moore, 2021).

Experts from diverse fields argue violence against Indigenous people was a crisis prior to the inception of the United States; European colonization, invasion, and settlement in North America forever changed the world for Indigenous people (Biolsi, 2007; Henretta et al., 2012; Joseph, 2021; National Indian Health Board, 2019). Still, in the modern United States, violence continues to impact more than 4 in 5 Indigenous women (National Indian Health Board, 2019). In some reservations, Indigenous women are murdered more than ten times the national average, and over 80% of Indigenous people have endured violence in their lifetime (H.R. Resolution 2733, 2019). Furthermore, consensus exists among scholars and practitioners from diverse disciplines, highlighting the lack of action to effectively address the issue of violence against Indigenous people (Biolsi, 2007; Gaines-Stoner, 2019; Joseph, 2021; Monchalin et al., 2019; Pinarello, 2010).

Historically, government policies have resulted in dependency and marginalization of Indigenous communities. Current efforts and legislation like the Savanna's Act (2020), the Not-Invisible Act (2020), and the Violence Against Women Reauthorization Act (2022) attempt to improve the federal response to Missing and Murdered Indigenous People (MMIP). The previously mentioned initiatives signal slow progress on the extensive and complex issue of tribal criminal jurisdictional authority. Furthermore, the initiatives continue to constrain tribal criminal jurisdictional authority

and restrict Indigenous people's equitable access to justice (United States Government Accountability Office [GAO], 2021).

The current limitations imposed by the federal government undermine tribal sovereignty and diminish tribal governments' inherent right to self-determination and self-government while failing to honor federal Indian trust responsibility. In order to provide attainable practical solutions, it is imperative to examine the social, political, legal, and operational aspects surrounding the impact of tribal criminal jurisdictional authority on violence against Indigenous people. More importantly, it is critical to intentionally consider Indigenous perspectives in exploring potential solutions.

### **Purpose of the Study**

The purpose of this multiple case study was to explore the impact of patchwork legislation and policies for Indigenous people in Public Law 280 jurisdictions and non-Public Law 280 jurisdictions. At this research stage, the patchwork of legislation and policies will be generally defined as legislative inconsistencies at federal, state, and tribal levels impacting tribal criminal jurisdictional authority.

### **Research Question**

The following research questions guided the qualitative study:

RQ1: How do legislative inconsistencies at federal, state, and tribal levels impact federally recognized tribal governments' criminal jurisdictional authority?

RQ2: What is the effect of limited tribal criminal jurisdictional authority on Indigenous people's safety?

RQ3: How do tribal criminal jurisdictional discrepancies limit Indigenous people's access to justice?

### **Aim of the Dissertation in Practice**

The DIP, aimed to produce a holistic, relevant, and factual description of the impact of inconsistent tribal criminal jurisdictional authority on Indigenous people's safety and access to justice. The study developed actionable alternatives to the current patchwork of laws, policies, and procedures. The study developed legislative recommendations to provide a systematic and homogeneous framework fostering jurisdictional transparency to increase the safety of Indigenous people and provide a more just and equitable access to justice.

### **Definition of Relevant Terms**

*Access to Justice:* refers to the opportunity to secure individual rights under the law and the ability of any person to use the legal system to advocate for themselves and their interests (Office for Access to Justice, U.S. Department of Justice [ATJ, DOJ], 2021).

*American Indian:* persons belonging to the federally recognized Tribal Nations of the continental United States (National Congress of American Indians [NCAI], 2020).

*Alaskan Native:* persons belonging to federally recognized Tribal Nations of Alaska (NCAI, 2020).

*Indian Country:* as defined by 18 U.S.C § 1151, consists of all land within a reservation, informal reservations<sup>1</sup>, dependent Indian communities, allotment, and special designations.

*Indian Nation:* means a federally recognized Indian tribe (Fletcher, 2016).

---

<sup>1</sup> Informal reservations involve lands held in trust by the federal government for Indian tribes that exist outside of a formal reservation and are consistent with the statutory definition of Indian Country (18 U.S.C. § 1151).

*Indian Tribe:* as defined by 25 U.S.C. § 5130, means any federally recognized Indian or Alaskan Native tribe, band, nation, pueblo, village, or community.

*Indigenous people:* in U.S. law, the term Indian is used as a political and legal designation afforded to citizens of federally recognized Indian tribes (25 U.S.C. § 2201, 1983/2000, 2004, 2008); this document will utilize the term Indigenous people to refer to the legal and political designation of Indians.

*Federal Indian Law:* refers to the complex and, at times, contradictory combination of statutes, treaties, and judicial and administrative rulings regulating the relationship between Indian tribes, the federal government, and the states (Cohen, 1942/2014).

*Federal Trust Responsibility:* refers to the legal commitment the United States charged itself with the moral obligation of the highest responsibility and trust toward Indian tribes (*Cherokee Nation v. Georgia*, 1831; *Johnson v. M'Intosh*, 1823; *Worcester v. Georgia*, 1832).

*Jurisdictional Patchwork:* refers to the complex inconsistencies of federal, state, and tribal law governing Indian Country's jurisdictional authority (*Duro v. Reina*, 1990; Mallonee, 2021).

*Patchwork:* across industries, the term is commonly used to describe inconsistent or contradictory laws or regulations; this document will use it in the same manner (CRS, 2022b; *Duro v. Reina*, 1990; Pollet, 2010; Varsanyi et al., 2012).

*Protection:* the concept of protection will be implemented as established by Chief Justice Marshall in *Worcester v. Georgia* (1832), in which it required the United States to

prevent trespass against Indian lands and to protect reservation Indians from violence by outsiders (Fletcher, 2016).

*Safety*: safety will be implemented as the condition of being protected from harm or danger, to include fostering welfare or well-being<sup>2</sup>.

*Sovereignty*: refers to the inherent authority of Indian tribes to self-govern<sup>3</sup>

*Tribal Criminal Jurisdiction*: refers to the tribal authority to enforce criminal laws (Cohen, 1942/2014).

*Tribal Government*: the term applies to any federally recognized American Indian and Alaskan Native tribe, band, nation, village, regional village, corporation, or other organized group or community (2 U.S.C. § 658, 1995; 25 U.S.C. § 479a(2), 1994).

### **Methodology Overview**

This dissertation, in practice, implemented a qualitative multiple-case study. Creswell and Creswell (2023) argue a qualitative approach allows the researcher flexibility for creativity and innovation of the research design framework and literal style. While a multiple case study was chosen due to the necessity to understand the details of the problem caused by inconsistent tribal criminal jurisdictional authority, Creswell and Poth (2018) highlight in a multiple case study, the one issue of concern is selected while many cases guide the inquirer to illustrate the issue comprehensively.

Additionally, Creswell and Poth (2018) emphasize the influence of the researcher's philosophy to guide inquiry and the application of interpretive frameworks.

---

<sup>2</sup> Federal Indian Law does not offer a specific definition of safety, the concept is commonly interpreted as context dependent (Duro v. Reina, 1990; Oliphant v. Suquamish Indian Tribe 1978; United States v. Lara, 2004; Worcester v. Georgia, 1832).

<sup>3</sup> Historically ample treaties, case law, the Supreme Court, Presidents, Congress, and countless scholars had affirmed tribal sovereignty and their right to self-govern (Cherokee Nation v. Georgia, 1831; O'Connor, 2013; Worcester v. Georgia, 1832)

Consequentially, it was essential to acknowledge the researcher's axiological assumptions. Recognizing the value-laden underlying ideology impacting examination, meaning, interpretation, and findings was crucial for transparency and research integrity.

The data collection incorporated document analysis, archival records, and semi-structured interviews. The document analysis and archival records were implemented at the beginning of the study to illustrate the issue. Document analysis, archival records, and a combination of purposeful and snowball sampling semi-structured interviews were implemented to foster an understanding of the problem and develop the proposed recommendations.

Encouraged by Saldana's (2016) invitation for researchers to develop unique coding methods and analytic processes, the study analyzed data in a two-fold approach and included manual and electronic coding strategies. Additionally, it implemented a combination of Versus and In Vivo coding methods. Versus coding was used to establish the divided nature of the issue, while In Vivo helped to better preserve and illustrate the expert's voices and opinions on the proposed solutions (Saldaña, 2016).

### **Delimitations, Limitations, and Personal Biases**

Some of the delimitations of the study were place and time. The study was intended to be conducted between Fall 2023 and Spring 2024 from Washington, DC. The study's sample was limited to attorneys with expertise in tribal criminal jurisdictional authority. The multiple case studies sought to provide a comprehensive account of the issue of tribal criminal jurisdictional authority; the criteria implemented for the cases were Public Law 280 jurisdictions (Alaska and California) and non-Public Law 280 jurisdictions (Oklahoma and South Dakota).

The study encountered diverse limitations. The multiple-case study did not intend to result in generalizable findings nor sought to provide any causal conclusion.

Additionally, there was the possibility of obstacles encountering participants with sufficient knowledge of the issue to contribute to the study meaningfully. Furthermore, some data was requested through the Freedom of Information Act (FOIA), resulting in delays or unavailability, impacting the desired timeframe, data collection, and analysis.

The complex issue of tribal criminal jurisdictional authority is one of personal interest to the researcher. As a result of her blended Hispanic and Native American family, the researcher has acknowledged the deep-rooted interest in issues impacting Indigenous people disproportionately from a personal and professional perspective. To mitigate intrinsic biases from challenging the academic integrity of the study, the researcher implemented diverse strategies. The researcher employed a semi-structured approach to journaling, discernment, and reflection to systematically evaluate the knowledge of self, the research issue, cultural differences, and assumptions. Mertens (2009) highlights the importance of knowing yourself, self-reflection, and awareness during the research process. Additionally, the researcher sought a qualified expert and Native American member for her dissertation committee to ensure multicultural perspectives and cultural awareness, honor the respect for Indigenous knowledge, and accurately represent Indigenous stakeholders and their values.

### **Reflection of the Scholar-Practitioner**

Reflection is central to Ignatian Spirituality. Anticipatory reflection can be spontaneous or systematic; it seeks to develop an awareness of our feelings and thoughts as we prepare for an experience (Dickel, 2017). Guided by the need for more systemic

reflection, I kept a journal or research notebook since May 2022. As I went through some courses and an Ignatian pilgrimage that allowed me to follow the steps of Saint Ignatius of Loyola through Spain and Italy, I took notes, not academic, but about aspects of the courses I found interesting to incorporate in my dissertation, as well as my reflections, ideas, opinions, and feelings. As I formally embarked on the dissertation in the practice stage of the journey, the notebook, the keeper of my most magnificent ideas, was always with me, traveled with me, sat next to my computer, and hopefully will be there to provide reassurance as I defend my DIP. Reading it before writing this anticipatory reflection reminded me how much I have grown and changed in a little over a year. It reminded me that I chose Creighton University to continue my education because of my profound interest in Ignatian Spirituality and the interdisciplinary aspect of the degree.

Therefore, I am aware of how my professors, academic advisors, peers, friends, and family have helped me prepare and embrace what comes next. With hope, gratitude, and adequacy, I was eager for the road to come, completing my dissertation proposal, dissertation, and finally, the defense. I was also motivated to further my education, attempt to live purposefully, and seek God in all things. Today, I ponder what my notebook of wisdom and ideas will remind me of a year from now; I contemplate how this process will continue to help me change and grow.

### **Summary**

The chapter provided a succinct yet comprehensive justification of the framework and foundational elements guiding the inquiry of this dissertation in practice. It provided a limited description of the colossal issue of tribal criminal jurisdictional authority. It articulated the importance of understanding the problem in order to ensure Indigenous

people's safety and equitable access to justice. Chapter Two consists of the Literature Review and will analyze, synthesize, and integrate pertinent scholarly and professional literature.

## CHAPTER TWO: LITERATURE REVIEW

This chapter presents a comprehensive analysis and synthesis of the current pertinent academic and professional literature. Due to the issue's complexity, the literature review contains four major sections. First, the historical and legal aspects impacting tribal criminal jurisdictional authority will be covered chronologically. The historical and legal aspects will be further classified into three significant periods: pre-1900, 1900-2000, and 2000-Present. Second, the Missing and Murdered Indigenous Women (MMIW) and Missing and Murdered Indigenous People (MMIP) issues will be framed. This section includes the problem's current conditions, the Department of Justice (DOJ), and the Office of Violence Against Women (OVW) roles. Third is the consideration for operational challenges resulting from inconsistent tribal criminal jurisdictional authority, incorporating data, and insufficient resources. Insufficient resources focus on law enforcement and the judicial system. Finally, policy recommendations are guided by Spiritual and Ignatian Leadership theories, featuring implementation strategies that align effectively with the models of leadership.

### **Historical and Legal Perspectives**

Understanding historical implications and legal aspects was crucial to illustrate the severity of the issue caused by inconsistent tribal criminal jurisdictional authority. Furthermore, experts assert in order to seek an understanding of contemporary American Indian issues and Federal Indian Law, the historical aspects are crucial and should never be ignored (Barker, 2005; Biolsi, 2007; Cohen, 1942/2014; Corntassel & Witmer, 2008; Duthu, 2009; Fletcher, 2016; Jiménez & Song, 1998). The following section did not

intend to be a law review. Still, a concise analysis of legislation was crucial to understanding the laws discussed and how they impact the overall issue.

### **Pre-1900**

The United States Declaration of Independence (1776), one of the most recognized statements of self-governance and individual rights worldwide, provided an ideological framework for the new independent government. The document of complex philosophies announced the intent to separate the thirteen North American British colonies as it advocated for inalienable rights of Life, Liberty, and the pursuit of Happiness while listing grievances against the British crown. The 27<sup>th</sup> and last grievance of the U.S. Declaration of Independence (1776) accused the British government of "... excited domestic Insurrections amongst us and has endeavored to bring on the Inhabitants of our Frontiers, the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction of all Ages, Sexes and Conditions." The U.S. Declaration of Independence (1776) was critical to demonstrating how the first policy gave birth to the Nation while alluding to the tremulous future for Indigenous people. Since our nation's inception, Indigenous people have endured the extensive impact of inequitable policies enacted by the United States (Biolsi, 2007; Goldberg, 1975; Wunder, 2000).

### ***Foundational Documents***

Early foundational documents of government, such as the Articles of Confederation (1777) and the Federalist Papers (1788), continued to demonstrate the ongoing apprehension and uncertainty related to Indigenous people. Developing new policies and the Articles of Confederation's (1777) vision of a central government with limited powers provided the foundational framework for tribal jurisdictional

inconsistencies (U.S. Congress, 1952; Wunder, 2000). The Federalist Papers highlighted the obscure and contradictory limitations of the provisions in the Articles of Confederation and how a description of Indians was not yet settled and continued to be an issue of perplexity and contention for the inexperienced government (Fletcher, 2016; Madison, 1788).

When the U.S. Constitution was adopted in 1789, it did not include tribes due to their status as sovereign nations. Still, the U.S. Constitution Commerce Clause provides U.S. Congress with plenary power over tribal governments (Carlson, 2023; Douglas, 2018; U.S. Const. art. I, § 8, cl. 3). Meaning Congress has complete and exclusive authority to regulate Native American affairs (Barker, 2005; Carlson, 2023; Cohen, 1942/2014; Fletcher, 2016; Goldberg, 1975). The widely accepted legal doctrine commonly contradicts the concept of tribal sovereignty, which remains central in contemporary issues (Barker, 2005; Duthu, 2009; Hannon, 2021; Wilkins, 1994). Alternatively, many scholars challenge the interpretation and argue the Commerce Clause limits Congress' authority to oversee commercial relations with Indian tribes (Wilkins, 1994; Wilkinson & Biggs, 1977).

### ***Going West***

The Louisiana Purchase Treaty (1803), allocating new western territory coupled with the inaction of the federal government, led to one of the most well-known and damaging policies as it pertains to Indigenous people (Doering, 2021). President Andrew Jackson signed the Indian Removal Act (1830), which authorized the forced displacement of Indigenous communities in the eastern territories to federal lands west of the Mississippi River (Doering, 2021; Duthu, 2009). This policy and its outcomes were

central to understanding the tribal-federal jurisdictional debate and continue to be followed as established precedence (*McGirt v. Oklahoma*, 2020).

These obsolete policies embraced by early America continue to hinder Indigenous people and bluntly disregard tribal sovereignty and Federal Indian Trust Responsibility. Federal Indian Trust Responsibility refers to the legal commitment the United States charged itself with the moral obligation of the highest responsibility and trust toward Indian tribes (*Cherokee Nation v. Georgia*, 1831; *Johnson v. M'Intosh*, 1823; *Worcester v. Georgia*, 1832). The landmark doctrine, commonly referred to as the Marshall Trilogy, recognized the inherent powers of tribes as domestic dependent nations and established the framework for Federal Indian Law and the dual sovereignty structure as it pertains to Indian Country (Cohen, 1942/2014; Fletcher, 2016). The Marshall Trilogy is central to current policies, as it asserts the federal government's legal responsibility to protect Indigenous people aside from complex jurisdictional challenges (Amnesty International, 2022; Cohen, 1942/2014; Douglas, 2018; U.S. Commission on Civil Rights [USCCR], 2003).

### ***Checkerboard***

As a result of the continued mistrust towards tribal governments (*Ex parte Kan-gi-shun-ca* (otherwise known as *Crow Dog*), 1883), the United States enacted the Major Crimes Act (MCA), 18 U.S.C. § 1153 in 1885 (Doering, 2021; Gilbert et al., 2021; Mendoza, 2020; Wunder, 2000). The MCA (1885) expanded federal jurisdictional authority and excluded state jurisdictional authority in Indian Country, granting the

federal government jurisdiction over Indigenous people for enumerated crimes<sup>4</sup>, regardless of if the victim was Indian or non-Indian (Barker, 2005; 18 U.S.C. § 1153, 1885; Fletcher, 2016; Mendoza, 2020; U.S. Commission on Civil Rights, 2018). The MCA aggravated the jurisdictional incongruous issue, still impacting tribal governments today (Branton et al., 2022; Jiménez & Song, 1998; Mendoza, 2020). Furthermore, the MCA also introduced additional layers of intricacy by asserting criminal jurisdiction based on the type of crime and race of the offender (Hannon, 2021; U.S. Commission on Civil Rights, 2018).

The year 1871 brought the period of treaty-making with tribes to an end; still, existing treaties were to remain valid unless invalidated by an act of Congress (Cohen, 1942/2014; Future treaties with Indian tribes, 1871). The decision served to introduce alternatives to undertake Indian affairs with a new perspective and advance the federal government's initiative to dismantle Indian Nations and annihilate Indigenous culture (*United States v. Lara*, 2004).

The Dawes Act (1887), also known as the General Allotment Act, further complicated jurisdictional issues when the act authorized President Grover Cleveland to divide tribal lands into small allotments and transform reservations into checkerboard lands of tribal, individual Indigenous, non-Indigenous, and corporate lands (Doering, 2021; NCAI, 2020; U.S. Commission on Civil Rights, 2018). The policy did not impact every tribe but still had significant repercussions especially in the Central Plains area.

The territory of Oklahoma experienced substantial changes, transforming from an

---

<sup>4</sup> The crimes enumerated under the MCA include murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, a felony assault under section 113, an assault against an individual who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of this title (18 U.S.C § 1153, 1885; 18 U.S.C. § 661, 1948).

accepted Indigenous territory to a pronominally non-Indigenous state in 1907 (The U.S. National Archives, 2022).

At this point, it is also important to highlight checkerboard lands refer to lands with alternated tribal and non-tribal ownership creating a checkerboard pattern resulting from historical practices as the Dawes Act (1987). Additionally, the practice of land division also resulted in fractured lands and fractionated heirship<sup>5</sup>, referring to tribal lands fragmented or broken due to various reasons, including historical land dispossession, forced removals, and infinite changes to land policies resulting in tribal lands being nonadjacent (Fletcher, 2016). Both concepts are important and serve to demonstrate the complex legal and historical challenges faced by Indigenous people to preserve their lands and sovereignty.

Diminishing tribal communal lands or reservations into checkerboard lands causes significant conflict over tribal, state, and federal jurisdiction (Amnesty International, 2022; Hannon, 2021). The issues include ownership, boundaries, access, control, and services and how these are additionally impacted by Indigenous or non-Indigenous ownership (Doering, 2021; Pisarello, 2010). All are critical aspects of the jurisdictional challenges affecting safety and access to justice for Indigenous people (National Congress of American Indians [NCAI], 2020).

---

<sup>5</sup> Fractionated heirship of tribal lands refers to the situation where ownership of tribal land becomes divided among multiple heirs over generations resulting in complex and fragmented ownership patterns. As the number of co-owners or fractional interest increases it creates a situation where numerous individuals hold undivided shares in the same property of land. The division in ownership further hinders decision making and land use (Cohen, 2014; Fletcher, 2016).

**1900-2000**

In 1928, the federal government published *The Problem of Indian Administration Report*, commonly known as the *Meriam Report*; it assessed Indigenous education, health, and general well-being guided by the policies of the Bureau of Indian Affairs (BIA) (Institute for Government Research [IGR], 1928). The *Meriam Report* is meaningful because it provides early evidence of the government's awareness of the insufficient services, inadequate funding, and impoverished conditions in Indian Country (Wilkinson & Biggs, 1977; Wunder, 2000).

While not perfect and influenced by assimilation strategies, the *Meriam Report* still played a significant role in abolishing the allotment system with the implementation of the Indian Reorganization Act (IRA) in 1934. The IRA (1934) terminated the sale of tribal lands, permitted tribes to create their constitutions, and established their court systems guided by federal regulation in an attempt to allow some self-governance and foster self-determination (Joh, 2001; O'Connor, 2013; U.S. Commission on Civil Rights, 2018). Notwithstanding the legislative amendments, the implications of checkerboard lands continue to influence jurisdictional authority (Doering, 2021; National Congress of American Indians Policy Research Center [NCAI], 2021).

***Termination***

The state of the World, domestic politics, and public perception during the 1950s hinted at the end of the brief period fostering tribal self-determination. The federal government attempted to systematically end trust responsibility with Indian tribes by enacting legislation terminating federal benefits and services to Indian tribes (Biolsi, 2007). In 1953, as the political climate and perception of Indigenous people continued to

deteriorate, the House Concurrent Resolution 108 (1953) formally declared the intent of the federal policy to terminate all federal responsibility for tribes in California, Florida, New York, and Texas, with additional termination to be decided in a case-by-case basis (HCR 108, 1953; Wilkinson & Biggs, 1977). The possibility of the states' acquisition of Indigenous lands motivated the policy's advancement (Wilkinson & Biggs, 1977). The declaration did not result in immediate changes; still, it announced the intent of the federal government to end trust responsibilities in a coordinated effort (Duthu, 2009; HCR 108, 1953).

### ***Public Law 280***

The national sentiment and the policies created to diminish tribal authority from the Termination Era are still relevant today (Amnesty International, 2022; Jock et al., 2022; U.S. Commission on Civil Rights, 2018). One of the most confusing and challenging aspects of providing protection and facilitating access to justice for Indigenous people is Public Law 83-280 (1953). Commonly known as Public Law 280 (PL 280), the legislation further diminished tribal authority and governance by transferring federal jurisdiction over crimes occurring in Indian Country to limited states (Branton et al., 2022; Goldberg, 1975; Jiménez & Song, 1998; U.S. Commission on Civil Rights, 2018).

The power shift created yet an additional layer of jurisdictional conflict by dividing the states between Public Law 280 (PL 280) and Non-Public Law 280 (non-PL 280) states, furthering demising accountability systems (Pisarello, 2010). Originally, the states of Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin are considered mandatory PL 280 states, signifying in some cases the state and tribal governments share

concurrent jurisdiction over crimes committed by Indigenous people or against Indigenous people in Indian Country (18 U.S.C § 1162, 1953). Still, jurisdictional authority in PL 280 states is incongruent (Branton et al., 2022; Goldberg, 1975; Hannon, 2021; Jiménez & Song, 1998; Mallonee, 2021). In non-PL 280 states, the jurisdictional authority is established based on the perpetrator's race, meaning Indigenous or non-Indigenous, the type of crime as specified by the MCA (1885), the victim's race, and the location of the crime within Indian Country boundaries or not.

### ***The Great Land***

Another important distinction to consider is the unique designation of the state of Alaska. As of August 2023, there are 227 federally recognized tribes and villages in Alaska, totaling 229 individual communities (Congressional Research Service [CRS], 2023; Indian entities recognized by and eligible to receive services from the United States Bureau of Indian Affairs, n.d.). As the result of the Alaskan Native Claim Settlement Act (ANCSA) Alaska implements a distinct and complex approach to land ownership and tribal governance, including villages and urban and regional corporations (ANCSA, 1971/1601 et seq.). The legal status of Indian Country in Alaska and the unique relationship between Alaskan tribes, land status, and the concurrent jurisdiction with the state over limited matters provide a divergent perspective of the dual nature of tribal sovereignty by reason of the concept of tribal citizenship and land, as it pertains to jurisdictional authority, are disassociated (*Native Village of Venetie IRA Council v. State of Alaska*, 1991).

The distinctions created by PL 280 (1953) are detrimental to asserting criminal jurisdictional authority. The variations under PL 280 resulted in inconsistent definitions,

control, and enforceable crimes based on each independent court (Jiménez & Song, 1998; U.S. Commission on Civil Rights, 2018). The jurisdictional confusion for law enforcement and legal professionals routinely results in operational failures and creates a more significant exposure to violence and less access to justice for Indigenous people (NCAI, 2020; United States Government Accountability Office [GAO], 2021).

### ***Self-Determination***

Additional damaging and still relevant policies from the Termination Era included The Indian Relocation Act (1956), meant to encourage Indigenous people to leave Indian Country for urban areas to force assimilation and continue to weaken the social fabric of Indigenous communities (Congressional Research Service [CRS], 2022). Additionally, the California Rancheria Termination Act (1958) resulted in similar land fragmentation from the Dawes Act in 1887; it distributed assets to individuals and terminated federal services and responsibility in California, resulting yet again in increased violence towards Indigenous people (NCAI, 2020; Wood, 2008).

Another crucial issue concerning criminal jurisdictional authority is the unfamiliar inconsistency of Indigenous civil rights and civil rights afforded to non-Indigenous American citizens under the Bill of Rights Indian Civil Rights Act (ICRA) (ICRA, 1968). As previously mentioned, Indian Country sovereignty is inherent; it exists outside of the U.S. Constitution, and to this date, no Supreme Court case law has held the Bill of Rights applies to tribal governments. Subsequently, the ICRA containing the Indian Bill of Rights includes fundamental contradictions preventing tribal governments from enforcing the law and limiting Indigenous people's access to justice (Rose Institute of State and Local Government [Rose Institute], 2018).

The United States Constitution (1789) and the ICRA (1968) both guarantee the rights of Free Speech and Assembly; still, tribes under the ICRA have discretionary authority to limit these rights if there is a legitimate interest. The ICRA does not provide Indigenous people with explicit protection to Freedom or Religion as it does the First Amendment. These protections for Indigenous people are ensured through the American Indian Religious Freedom Act (AIRFA) enacted in 1978 and amended in 1994 with the goal of protecting and preserving the traditional religious rights and cultural practices of Indigenous people, including their freedom to practice traditional religions, access sacred sites, and use sacred objects (AIRFA, 1978/1994). The lack of an equivalent to the Establishment Clause means tribal governments can establish a mandated religion without violating the ICRA. The Fourth Amendment protects against unreasonable search and seizure. The ICRA does not explicitly protect against unreasonable search and seizure, but it is often interpreted as if it is protected.

The Fifth Amendment prohibits anyone from being prosecuted twice for the same crime. Still, under the ICRA, defendants can be tried in tribal courts and state or federal court for the same crime, and it would not be considered double jeopardy or a violation of Constitutional protection (Jiménez & Song, 1998). The Sixth Amendment to the United States Constitution guarantees access to legal counsel in criminal prosecutions; the ICRA (1968) guarantees the right to counsel with limitations. Similarly, the ICRA only provides guaranteed a jury trial in criminal matters with a potential prison punishment. The concept of dual citizenship impacts Indigenous people negatively by further limiting due process and the right to counsel (U.S. Commission on Civil Rights, 2018).

The ICRA continued to enact limitations and restrictions on tribal governments' criminal sentencing authority, initially limited to six months imprisonment and/or a \$500 fine independent of the type of crime committed; the ICRA allowed a one-year sentence per offense regardless of the crime and/or a \$5,000 fine (Branton et al., 2022; Pisarello, 2010; ICRA, 1968). The sentencing limitations severely hinder the ability of tribal governments to maintain order and foster safety in Indian Country (Branton et al., 2022; Douglas, 2018; Jiménez & Song, 1998).

The ICRA limitations and restrictions infringe on tribal sovereignty and continue to limit tribal self-government by establishing conditions for Constitutional protections and intensifying the problem of violence against Indigenous people (Branton et al., 2022; Indian Law & Order Commission, 2013). Furthermore, the protection discrepancies afforded Indigenous people under the ICRA and non-Indians under the Constitution result in fundamental divergence, making equitable access to justice for Indigenous people fundamentally impossible (Douglas, 2018). Just as important to highlight is the ICRA was guided by one-sided colonialist perspectives (Tamborelli, 2020), which diminishes the importance of some tribal governments' matrilineal society (Pisarello, 2010).

### ***New Limitations***

In *Oliphant v. Suquamish Indian Tribe* (1978), the Supreme Court established tribal governments have no jurisdiction to punish non-Indians criminally (Barker, 2005; USCCR, 2003). Experts assert limiting tribal criminal jurisdictional authority relinquishes and is in discordance with the concept of sovereignty (Barker, 2005; Stetson, 1981). Furthermore, the jurisdictional conflicts that result from forced coexistence

between tribal and state governments continue to ignore long-established legal doctrine and diminish tribal governments' right to sovereignty and self-government (Barker, 2005; Jiménez & Song, 1998). The Oliphant decision increased uncertainty and further endangered Indigenous people by weakening tribal authority to protect Indigenous people from non-Indigenous people (Stetson, 1981). Additionally, the Oliphant decision resulted in lasting implications on the jurisdictional authority of tribal courts regarding criminal matters involving non-Indians (Duthu, 2009).

### **2000-Present**

With the new millennium, the Tribal Law and Order Act (TLOA, 2010) intended to address crime in Indian Country by relaxing some federal constraints on tribal governments' sentencing authority, increasing federal accountability, and improving law enforcement (Branton et al., 2022). One crucial but insufficient change was the one-year sentencing restriction was increased to three years with a maximum of nine years. The change did not apply to every defendant, and it was applicable only as long as the tribe met pre-established requirements to exercise enhanced sentencing authority (CRS, 2022; TLOA, 2010). In order for tribes to exercise the enhanced sentencing authority granted by TLOA, there were problematic and expensive requirements to their judicial system, limiting tribal governments' ability to benefit from the TLOA meant to promote tribal involvement (U.S. Commission on Civil Rights, 2018). Like many other former legislation, it failed to fully consider the implications for application by tribal governments.

Another critical aspect of the TLOA (2010) was the oversight placed on the DOJ by mandatory reporting of declinations of cases in Indian Country. As many perceived

the TLAO as a step in the right direction, many others argue the act created an additional layer of inconsistencies, resulting in increased confusion (U.S. Commission on Civil Rights, 2018).

### ***Oklahoma Conundrum***

Recent legislation has continued to exacerbate the problem of tribal criminal jurisdictional inconsistencies. In *McGirt v. Oklahoma* (2020), the Supreme Court sustained states to have no jurisdiction over Indian Country unless expressly granted by Congress (Carlson, 2023). The decision further established some reservations in Oklahoma were never disestablished, meaning the state has no jurisdiction over crimes involving Indigenous people, and according to the MCA (1885), the federal government maintains specific jurisdiction.

The perceived victory for tribal governments' sovereignty and self-government was shortly lived when the decision became partially reversed by *Oklahoma v. Castro-Huerta* (2022). In discord with over 200 years of legal precedent, the Supreme Court held a state has jurisdiction over all its territory and granted states criminal authority over non-Indigenous people in Indian Country without tribal consent (Carlson, 2023). On the surface, *Oklahoma v. Castro Huerta* helped solve the additional jurisdictional predicaments caused by *McGirt v. Oklahoma* (2020) by limiting jurisdictional inconsistencies and providing greater authority to the states. The practical implications of *Oklahoma v. Castro Huerta* are still unknown; in contrast, the impact on tribal sovereignty and self-determination is detrimental. Still, it is anticipated this decision could hinder collaboration between jurisdictions and agencies due to a flawed perception undermining tribal governments (Carlson, 2023).

### ***Violence Against Women's Act***

The Violence Against Women's Act (VAWA) was intended to improve criminal justice response to domestic and sexual violence comprehensively. Initially passed in 1994, it is considered a watershed moment for women's rights and the promotion of equity in the United States (Amnesty International, 2022). Still, VAWA provided evidence of the absence of interest regarding the safety of Indigenous people as it delayed the acknowledgment of Indigenous women's needs until the VAWA Reauthorization of 2005 (PL 109-162, 1994/2006)<sup>6</sup>. The VAWA Reauthorization of 2005 (2006) limited Indigenous matters to focus on research and evaluation of responses in cases of violence towards Indigenous women. The VAWA Reauthorization of 2005 directed the National Institute of Justice (NIJ) to conduct a baseline study on the prevalence of violence against women in Indian Country; as of 2022, it has not been published (Amnesty International, 2022).

Indigenous people had no authority to prosecute non-Indian perpetrators for any crime committed in Indian Country from the period between *Oliphant v. Suquamish Indian Tribe* in 1978 until the VAWA Reauthorization of 2013 (Douglas, 2018; Gover & Moore, 2021; VAWA, 1994/2013). The 2013 Reauthorization provided tribal courts with limited Special Domestic Violence Criminal Jurisdiction (SDVCJ) to exercise criminal jurisdiction over non-Indians regarding domestic or dating violence against an Indian victim (Gaines-Stoner, 2019; VAWA, 1994/2013). The VAWA Reauthorization (2013), intended to provide additional protections for tribal governments, proved challenging to

---

<sup>6</sup> The VAWA Reauthorization of 2005, passed the Senate in December 2005 and was signed into law in January 5, 2006 (PL 109-162, 2006).

enforce and resulted in different barriers (Douglas, 2018; Ennis & Mayhew, 2013–14; Gaines-Stoner, 2019).

### *A Glimpse of Hope*

Savanna’s Act (2020) and the Not Invisible Act (2020) provide a framework to foster interagency collaboration, improve data access, and develop recommendations to improve the reporting of violent crime against Indigenous people but do not fully address the jurisdictional inconsistencies (Joseph, 2021). The most recent report from the Government Accountability Office (2021) states neither legislation has met statutory deadlines or requirements. Officials from the Department of Justice and the Department of the Interior cite the change in executive administration and agency leadership as the reasons for missing statutory deadlines, establishing required policies and procedures, and appointing members to serve in joint commissions (GAO, 2021).

The Reauthorization of VAWA in 2022 is an improvement as it provides victims access to services, encourages multijurisdictional collaboration, and expands Special Tribal Criminal Jurisdiction (STCJ) for tribal governments (H.R. Resolution 2471, 2022). The complex stakeholder relationship and the obscure requirements for tribal governments to benefit from the program are central to the operational deficiencies of the Violence Against Women Act (H.R. Resolution 2471, 2022).

The biggest hurdle for tribal governments is the VAWA Reauthorization does not provide tribes with STCJ. Still, it encourages tribes to submit a grant application in a two-step process to the federal government and the Department of Justice in order to meet established requirements in order to exercise STCJ (U.S. Department of Justice, Office on Violence Against Women [DOJ-OVW], 2021). The program is designed to support

the implementation of special criminal jurisdiction and provide technical assistance for planning and establishing criminal justice changes necessary to enforce limited tribal criminal jurisdiction (DOJ-OVW, 2021). Understanding the differences and juxtaposition of laws and stakeholders is part of improving the problem.

### **Missing and Murdered Indigenous Women (MMIW) & Missing and Murdered Indigenous People (MMIP)**

As previously stated, the violence against Indigenous people predates the United States; however, the United States has historically failed Indigenous people with complete disregard for federal trust responsibility (Jiménez & Song, 1998; National Institute of Justice [NIJ], 2016; U.S. Commission on Civil Rights [USCCR], 2003; 2018; Wilkinson & Biggs, 1977). Despite the obligation to tribal governments and Indigenous people, the federal government did not formally devote efforts exclusively to the issue until 2019 with the establishment of the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives, commonly referred to as Operation Lady Justice (OLJ) (Exec. Order No. 13,898, 2019). The two-year initiative attempted to improve federal operations in diverse issues impacting Missing and Murdered Indigenous People (MMIP); the task force focused particularly on Missing and Murdered Indigenous Women (MMIW) and girls. The OLJ task force focused on consultations, development of best practices, education and outreach, and public awareness; still, OLJ had no authority to review or investigate cases or provide support for victims or family members (United States Government Accountability Office [GAO], 2021), the taskforce for OLJ concluded in 2021 as required.

In 2021, the Department of the Interior, Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) established the Missing and Murdered Unit (MMU) with an operational approach and law enforcement capabilities; the task force focuses on analyzing and solving missing and murdered cases of Indigenous people (Congressional Research Service [CRS], n.d.; GAO, 2021). The MMIW and MMIP are the most vulnerable stakeholders at the center of the tribal criminal jurisdictional authority policy issue; they suffer the most significant impact from policy disparities and have the least authority. Indigenous people are historical victims of racial policies implemented to undermine their place in society (Biolsi, 2007; Lucchesi & Echo-Hawk, 2018); still, the issue of violence against Indigenous people has been largely ignored (Joseph, 2021; Monchalin et al., 2019). Additionally, as a result of limited available data, there is not a comprehensive understanding of the magnitude of the issue of violence against Indigenous people (CRS, 2022).

### **Current Conditions**

There is no additional need to establish how Indigenous people's problems have been commonly accepted as a nonissue for years. Kraft and Furlong (2021) define a nonissue as a problem lacking the attention to demand governmental action. Consensuses exist, and evidence supports Indigenous people are exposed to multiple forms of violence at increased rates than any other racial group (Gaines-Stoner, 2019; Joseph, 2021). The evidence sustains over 80% of Indigenous people experience violence, while other studies support Indigenous people are victims of violent crime 2.5 times the average national rate (CRS, 2022). Additionally, crimes in Indian Country have continued to increase compared to the rest of the United States (Branton et al., 2022).

One of the many challenges impacting the issue of violence against Indigenous people is the broad and inconsistent definition of violence (Gover & Moore, 2021); similarly, the same inconsistencies are found in the terminology used to define the crimes providing tribal governments criminal jurisdictional authority, making interpretation an additional hurdle in accessing justice (Douglas, 2018). An estimated 70% of sexual assault perpetrators against Indigenous women are non-Indians (Pisarello, 2010); the systemic failures and the lack of jurisdictional transparency impact Indigenous women disproportionately (Mendoza, 2020).

Socioeconomic disadvantages impact Indigenous people to a greater extent, making it burdensome to actively participate in the legal process (Pisarello, 2010). The constant deconstruction and assortment of inconsistent policies to access the legal system further continue to undermine tribal sovereignty and access to justice for Indigenous people (Jock et al., 2022).

### **Department of Justice**

The Department of Justice (DOJ) plays a central role in the issue of jurisdictional inconsistencies and violence against Indigenous people. It is important to highlight the authority of the DOJ extends from the executive branch and focuses on enforcing federal laws. The DOJ has attempted to improve services to Indian Country and stakeholders impacted by the violence and jurisdictional discrepancies by increasing program development (USCCR, 2003; GAO, 2021). However, the grant-based approaches implemented have made limited progress and do not provide Indian Country with meaningful and equitable access to services (Indian Law & Order Commission, 2013).

Additionally, the DOJ is responsible for providing effective information-sharing platforms to foster effective collaboration among stakeholders. While the DOJ has implemented initiatives to improve information-sharing capabilities, the programs are still insufficient and adversely impact law enforcement's promise to serve and protect Indian Country (Gaines-Stoner, 2019; Gilbert et al., 2021; GAO, 2021). The lack of effective and uniform data sharing is a central issue impacting Indigenous people's ability to report crimes and further creates mistrust between Indian Country and federal agencies (Lambert, 2017; USCCR, 2003; GAO, 2021).

Historically, due to the authority of the United States Attorney Office (USAO) to exercise prosecutorial discretion, meaning the government authority not to move forward with charges, this has resulted in increased declination in Indian Country, as compared to the rest of the country (Branton et al., 2022; Office of the Inspector General [OIG], 2017; U.S. Commission on Civil Rights, 2018). The position of the DOJ not to prosecute crimes in Indian Country further promotes division, negatively impacts the lack of cooperation between agencies, and discourages victims from seeking justice (GAO, 2021). The DOJ initiatives, as well-intentioned, only continue to highlight the power imbalance between federal, state, and tribal governments, the federal government's policy inconsistencies, and the ongoing undermining of tribal sovereignty (Rose Institute of State and Local Government [Rose Institute], 2018; USCCR, 2003). Furthermore, the DOJ impediments to Indian Country have larger operational implications on how law enforcement and the judicial system interact with Indigenous victims of crime (Indian Law & Order Commission, 2013; Jiménez & Song, 1998; USCCR, 2003; Commission on Civil Rights, 2018).

***Office on Violence Against Women***

Created from VAWA and under the direction of the Department of Justice, the Office on Violence Against Women (OVW) focuses on providing services, programs, and research to address violence against women (Gover & Moore, 2021). Like many other federal agencies, the OVW faces multiple challenges in providing services to Indian Country; the programs offered by the OVW are beneficial for victims of violence, still, the funding allocated for Indian Country grants is inconsistent (Office of the Inspector General [OIG], 2017). The research found grants meant to provide services to Indigenous people often go unclaimed (Office on Violence Against Women [OVW], 2021; USCCR, 2003).

The OVW (2020) has acknowledged the brief period a grant solicitation is open makes it challenging to allow tribal governments to submit grant applications timely, and the OVW further agrees on the need to increase the time the solicitations are open to encourage participation. The vast challenges to tribal governments intending to receive services are discouraging due to the convoluted application and disbursement process (Ennis & Mayhew, 2013–14; USCCR, 2003). Furthermore, federal programs meant to provide services to Indigenous people continue to be grossly underfunded, disregarding treaty obligations resulting from federal trust responsibility (U.S. Commission on Civil Rights, 2018). Every disjointed stakeholder further exacerbates the problem of criminal jurisdictional inconsistencies.

**Bureau of Indian Affairs**

One of the oldest agencies in the United States, the Bureau of Indian Affairs (BIA), is part of the Department of the Interior (DOI); BIA is charged with overseeing

Indian affairs (Fletcher, 2016). The Committee on Indians Affairs was initially governed by the Continental Congress, later led by Benjamin Franklin until 1789, when the duties of governing trade relations with Indian tribes were consequentially delegated to the Secretary of War in 1789 (Bureau of Indian Affairs [BIA], 2021). The foundation of BIA is critical to later understanding the grappling relationship between the contemporary federal agency and Indigenous people. An office of Indian Trade in the war department was established in 1806 and later abolished in 1822; BIA was administratively established in 1824, still under the Secretary of War until 1832 when Congress established the Commissioner of Indian Affairs, and in 1849, BIA was transferred to the newly created Department of the Interior; after numerous name changes, BIA was adopted by the DOI in 1947 (Bureau of Indian Affairs [BIA], 2021; White, 2012). The policies enacted and the manner in which the United States initially interacted with Indigenous people highlighted the broader issue of uncertainty regarding how the United States perceived and interacted with tribes (Fletcher, 2016; White, 2012).

As the department evolved, BIA's vast array of responsibilities did as well; BIA played a significant role in enforcing some of the most damaging policies against Indigenous people (Biolsi, 2007; Fletcher, 2016). However, in recent years, the agency has made ample improvements to its relationship with Indigenous people, slowly shifting Indian Country's perception (Carlson, 2023; Doering, 2021; USCCR, 2003). On March 15, 2021, Secretary Haaland from Pueblo of Laguna became the first Indigenous woman to lead a federal agency; under her leadership, the BIA continues to promote its inclusive mission (U.S. Department of the Interior [DOI], 2021). Still, the multi-generational

mistrust linked to the agency continues, and trust in BIA is as personal as the uniqueness of each tribe (Doering, 2021; U.S. Commission on Civil Rights, 2018).

Equally as important as a general awareness of the history of BIA are some of its extremely important functions provided to Indian Country: BIA law enforcement and the Court of Indian Offenses. BIA law enforcement is one of the many agencies providing police services to Indian Country; the lack of standardization in law enforcement services and the jurisdictional patchwork has been continuously linked to the crisis of violence impacting Indigenous People (Indian Law & Order Commission, 2013; USCCR, 2003).

The Court of Indian Offenses functions under the BIA; it was established through the U.S. Code of Federal Regulations (Courts of Indian Offenses and Law and Order Code, 1993); also commonly referred to as CFR Court, it has the authority to function in areas where the tribe has jurisdiction over Indigenous people but have not established complete exercise of its authority. The Court of Indian Offenses or CFR Court operates before a Magistrate, and it is divided into five geographical areas to serve diverse tribes across the continental United States (U.S. Department of the Interior [DOI], n.d.). These very needed services provided by BIA to Indian Country, coupled with the inherent mistrust of the federal government, contribute to the overall operational dysfunction caused by inconsistent tribal criminal jurisdictional authority.

### **Operational Challenges**

The issue of tribal criminal jurisdictional authority is a complex matter that involves a multitude of factors. When examining its operational implications, it becomes evident that the intricate network of legislation and policies poses significant obstacles for all stakeholders, with Indigenous communities experiencing a disproportionate

impact. The literature examined the role of inadequate resources, encompassing both funding and personnel shortages, in exacerbating challenges tied to data discrepancies and cultural barriers within the operational facets of law enforcement and the judicial system. Adopting an integrated perspective resulted in a more thorough comprehension of the intricate challenges these systems encounter. It is crucial to highlight these elements represent substantial operational challenges, still, they do not constitute an exhaustive list, highlighting the complexity and interconnectedness affecting all stakeholders.

### **Data**

Data as it pertains to Indigenous people is often incomplete, inconsistent, or nonexistent (U.S. Commission on Civil Rights, 2018; OJP, 2005). The federal government acknowledges the lack of data and standardization regarding the crisis of MMIP (CRS, 2022). Additionally, the Urban Indian Health Institute (2018) asserts insufficient data and lack of reporting on violence against Indigenous people contribute to the impact problem stream, resulting in a lack of interest and ineffective accountability.

There is limited access for tribal governments and tribal law enforcement to share information with other jurisdictions efficiently and in a standardized manner (Gaines-Stoner, 2019). Data limitation most likely misconstrues and underestimates the actual number of Indigenous people impacted by violence (Lucchesi & Echo-Hawk, 2018). Furthermore, the lack of data results in a lack of understanding of the experience of Indigenous people affected by violence (Branton et al., 2022).

The Department of Justice is responsible for the administration of two national data collection systems, the Bureau of Justice Statistics' National Crime Victimization

Survey (NCVS) and the Federal Bureau of Investigations (FBI) Uniform Crime Reporting (UCR); both databases yield inconsistent data (Gover & Moore, 2021). Additionally, data on missing persons is shared utilizing NamUs and the National Crime Information Center (NCIC); both databases also provide inconsistent victim information (CRS, 2022; Joseph, 2021). The National Crime Information Systems (NCIS) limits its use to law enforcement, while NamUS allows the public to submit information pending revision by a criminal justice agency (National Missing and Unidentified Persons System [NamUs], n.d.).

Among the many issues resulting from ineffective data-sharing capabilities is the tribal inability to enter the National Crime Information Systems (NCIS) to introduce tribal protection orders into the federal database, which is crucial (Gaines-Stoner, 2019). Additionally, there is overall racial misclassification and hesitancy of victims to report crimes due to an inherent mistrust in law enforcement and the federal government (CRS, 2022; Lucchesi & Echo-Hawk, 2018).

### **Insufficient Resources**

Scholars and practitioners alike suggest part of the issue occurring in Indian Country, as it relates to increased violence and limited access to justice, is significantly the result of the federal government's lack of accountability and oversight (Branton et al., 2022). The individual budget for law enforcement in Indian Country is approximately 60% of the national average (USCCR, 2003). Additionally, disparities in persecution and access to legal representation due to lack of funding cultivate a systemic culture of mistrust (USCCR, 2003). The study focused on the roles of law enforcement and the judicial system.

### *Law Enforcement*

Historically, law enforcement has been complicit in the systemic racism, oppression, and discrimination of Indigenous people (Joseph, 2021), resulting in a culture of mistrust and a negative relationship between Indigenous people and law enforcement (Doering, 2021). As a result of jurisdictional inconsistencies, law enforcement response in Indian Country is greatly ineffective (Indian Law & Order Commission, 2013; Jiménez & Song, 1998; Pisarello, 2010). The jurisdictional disparities have implications for operations and budget, limiting the effectiveness of law enforcement (Doering, 2021; USCCR, 2003) and further fostering the perception of a lawless territory for Indigenous people victims of crime with no authority for non-Indigenous perpetrators and no consequences (Pisarello, 2010). Also, the limited data and research on comprehensive law enforcement in Indian Country prevents a pragmatic assessment of its effectiveness (Branton et al., 2022; U.S. Department of Justice Office of Justice Programs [OJP], 2005).

In a 2018 study published in 2023, the Bureau of Justice Statistics of The DOJ reports the current law enforcement patchwork servicing Indian country consists of 234 tribal-operated law enforcement agencies, 23 police agencies operated by the BIA and the Village Public Safety Officer Program (VPSO) providing services to Alaska under the jurisdiction of the Alaska State Police (Bureau of Justice Statistics [BJS], 2023). In addition, the FBI shares concurrent jurisdictional authority with BIA in over 200 tribes (U.S Department of Justice, Office on Violence Against Women [DOJ OVW], 2021). The diverse roles and jurisdictional authority of law enforcement agencies servicing Indian Country aggregate to the patchwork of inconsistencies for victims of crime. One

of the most common issues resulting from the convoluted law enforcement jurisdictional authority is the lack of reporting (Amnesty International, 2022; Office on Violence Against Women [OVW], 2020; DOJ OVW, 2021).

The federal government has recently focused on initiatives to serve Indian Country to address the MMIW and MMIP crisis (CRS, 2022). As mentioned, BIA law enforcement is just one of the many agencies providing police services to Indian Country. Additionally, federal law enforcement includes the Missing and Murdered Unit (MMU) and the Federal Bureau of Investigation (FBI). Studies have found federal agencies' response to Indian Country is disjointed and ineffective (Amnesty International, 2022; CRS, n.d.; Rose Institute, 2018; USCCR, 2003).

The mistrust of state law enforcement is similar to the ingrained sentiment toward federal law enforcement (Jock et al., 2022). Additionally, cultural differences, deep-seated biases, and uneven enforcement of the laws tribal members experience increased fear of abuse of power from state law enforcement (Jock et al., 2022).

Shortage of tribal law enforcement officers is a constant issue; data suggest an average law enforcement agency has 3.5 officers per 1,000 residents, while tribal law enforcement has 1.9 officers to serve the same number of residents (CRS, 2022). Additionally, tribal law enforcement experiences a lack of funding and staffing at a greater rate than the rest of the country (U.S. Department of Justice Office on Violence Against Women [DOJ OVW], 2020).

The vastness of rural areas In Indian Country and the unequal perception of authority between tribal, federal, and state law enforcement hinders collaboration and response to victims of crime in Indian Country (Jiménez & Song, 1998; Pisarello, 2010;

U.S. Department of Justice Office on Violence Against Women [DOJ OVW], 2020).

Consensus exists about the inconsistencies of criminal jurisdiction in Indian Country is unjustifiable (Indian Law & Order Commission, 2013; DOJ OVW, 2020).

### ***Judicial System***

Access to justice is commonly defined and understood as the opportunity to secure individual rights under the law or the ability for any person to use the legal system to advocate for themselves or their interest (Legal Services Corporation [LSC], 2022; United States Institute of Peace [USIP], n.d.). Considering the polarizing nature of tribal criminal jurisdictional authority, Mendoza (2020) argues in favor of advancing jurisdictional transparency since the puzzling and inconsistent jurisdictional rules are a significant hurdle for Indigenous people's access to safety and justice. At times, believed to be a cornerstone of the United States judicial system, the complex ideal of jurisdictional clarity is rarely clear due to the diverse interpretative and application processes (Dodson, 2011). Despite mixed opinions, pursuing a standardized approach to the judiciary is central to advancing safety and access to justice for Indigenous people.

In Indian Country, the inconsistencies in jurisdictional authority commonly result in a lack of prosecutions regardless of increased shared jurisdictional sources between the tribal, state, and federal governments (Mendoza, 2020; Pisarello, 2010). Despite the issues of historical marginalization and abuse of power by the federal government, research maintains tribal governments have more faith in the federal government as the main prosecutor than the states (Rose Institute, 2018). It is argued the lack of trust in state governments is due to the lack of action taken by PL-280 states to actively protect tribal members and ensure equitable access to justice (Rose Institute, 2018). The Government-

to-Government Tribal Consultation (2021) held by the Office of Violence Against Women found state courts continue to fail Indigenous people by not holding perpetrators responsible.

Substantial literature maintains tribal courts are active; still, tribal courts constantly encounter inadequate funding and insufficient authority to exercise judicial power (Jiménez & Song, 1998; USCCR, 2003). The implementation of mediocre legislation as the ICRA with a fundamental discrepancy and disregard for Indigenous people's rights are responsible for the perception of inadequacy of tribal courts. The assumption of tribal courts' inability to afford non-Indigenous people Constitutional protections not afforded to Indigenous people continues to foster the perception of an incompetent tribal judicial system and lawless Indian Country (Douglas, 2018). Additionally, there is overall recognition of the steps in place to address the disparities in the judicial system, for Indigenous people commonly disregard the importance of the traditional justice system focusing on culturally appropriate restorative justice (Rose Institute, 2018). Many tribes also implement traditional approaches to conflict resolution and administration of justice, sometimes called traditional courts, restorative justice courts, peacemaking programs, elder councils, or sentencing circles. These traditional courts seek to maintain customary law, enforce justice from a culturally appropriate perspective, and promote self-governance (Ennis & Mayhew, 2013–14; Indian Law & Order Commission, 2013; Mallonee, 2021).

### **Leadership Theories**

Implementing a Spiritual and Ignatian Leadership approach to the issue of violence against Indigenous people and access to justice might not seem adequate. First,

there is the famous separation of church and state under the Establishment Clause of the United States Constitution; second, there is the idea of maintaining spirituality independent of policy; and lastly, there might be hesitation about the rigor and objectivity of the document being impacted by the utilization of the religious theoretical lens. Still, upon reflection and in-depth understanding of the topic, it is arguable that we arrived at this unfortunate crisis of violence against Indigenous people due to a lack of awareness, humanity, and respect for Indigenous people. Implementing a Spiritual and Ignatian leadership approach is fundamental to forging change, fostering tolerance and reconciliation guided by service to the common good, and championing equitability.

The many concepts and styles of leadership are as elusive as the issue of tribal criminal jurisdictional authority. Ciulla (2014) asserts leadership is not a person or a title but a sophisticated alliance of people rooted in trust, emotion, and a shared vision. Furthermore, she highlights how ethics are central to human relationships and leadership alike (Ciulla, 2014). In the same manner, scholars from diverse schools of leadership recognize the importance of intrinsic values and awareness in leadership inspired by purpose, optimism, and service to a greater cause (Bryman et al., 2011; Northouse, 2018). Quaker philosopher and theologian D. Elton Trueblood (1996) argued for a reasonable approach to faith, an approach supported by experience, logic, and mindful inquiry. Similarly, this research will rigorously and meticulously integrate apparently opposable ideas to generate new alternatives for solving the problem (Martin, 2007).

### **Spiritual Leadership**

Spirituality is often acknowledged as a search for meaning (Fernando, 2011; Fry, 2003; Van Saane, 2018). Evidence supports individuals' vocation, values, and actions

converge in leadership and spirituality (Ledbetter et al., 2017). There is a lack of consensus about the role of religion in spiritual leadership; still, implied or evident aspects of religion can often be found (Fernando, 2011). Conversely, consensus exists about the relationship between spirituality and ethical consciousness (Covrig et al., 2013; Fernando, 2011). Furthermore, it is essential to recognize a religious leader can display spiritual leadership, but a spiritual leader is not necessarily a religious leader (Covrig et al., 2013).

Inspired by Dupuis' (2001) assertion, a religious pluralistic perspective should be rooted in God's immense love for humanity. Cognizant of the cultural and spiritual differences of those most impacted by the tribal criminal jurisdictional authority inconsistencies and the author's outlook, it is imperative to recognize the unequivocal value of all sources of spirituality as it relates to the research study. Additionally, it acknowledges spiritual leadership strives to be multiculturally sensitive and inclusive of religion and ethical ideals (Fry, 2003). Scholars assent on the interconnected facets of spirituality and culture (Beyers, 2017; Giordano et al., 2020) and acknowledge the connection is indivisible for Indigenous people (Brown, 1953; Garrett & Garrett, 1994; Giordano et al., 2020). Cultural awareness as it relates to leadership is critical to ensure the individualistic Anglo-American perspectives do not undermine effective leadership perspectives across cultures (Den Hartog & Dickson, 2018).

Similarly, it is imperative to recognize the fluid relationship between the infinite sources of spirituality for leaders and followers and how they impact the quest for a fellowship of sharing a common goal or vision (Covrig et al., 2013; Fry, 2003). Equally crucial is the appreciation and respect for the multiple and complex aspects at the core of

everyone's inner compass (Price, 2008). Understanding the self is an invaluable leadership skill (Rath, 2013), and engaging in discernment and reflection are indispensable tools for self-discovery, awareness, and learning (DiMarco Allen, 2019; Haslam et al., 2011).

Lakota, medicine man, warrior, and spiritual leader Black Elk emphasizes essential peace established during the *Hunkapi*<sup>7</sup> rite is:

...the peace that comes within the souls of men when they realize their relationship, their oneness, with the universe and all its Powers, and when they realize that at the center of the universe dwells *Wakan-Tanka*<sup>8</sup>, and that this center is really everywhere, it is within each of us. (Brown, 1953)

In order to foster a more humanistic leadership approach, the first step is for leaders and stakeholders to evaluate themselves holistically, integrating physical, logical, emotional, and spiritual aspects (Fry, 2003). Furthermore, incorporating multiple truths of human experience from a practical and spiritual perspective will foster a deeper meaning of shared life experiences, resulting in more just contributions to organizations and communities (DiMarco Allen, 2019).

### **Ignatian Leadership**

Similarly, to some of the ambiguous concepts previously discussed, Ignatian leadership is complex and does not have a standard definition. Ignatian leadership can be explained as a leadership style guided or inspired by the principles of the Society of Jesus, commonly referred to as the Jesuits (DeFeo, 2020; Lowney, 2005; Tilghman-

---

<sup>7</sup> *Hunkapi* is one of the Seven Sacred Rites practiced by the Lakota to carry out the will of the Great Spirit. This rite of Making Relatives seeks to establish a relationship on earth, which is a reflection of the real relationship existent between man and *Wakan-Tanka* (Brown, 1953).

<sup>8</sup> *Wakan-Tanka* is the term utilized in Lakota Sioux spirituality to refer to the Great Spirit (Brown, 1953).

Havens, 2020). The Society of Jesus, founded in 1540 by Ignatius of Loyola, focused on service and ministry; since its inception, the organization of the Jesuits concentrated on self-understanding, service to God and others, increased order, and mitigation of distractions (O'Malley, 1993).

Many arguments have been made about the Jesuits being one of the most successful organizations in the world (Lowney, 2005; Stackman & Connor, 2016). Notwithstanding their perceived success and valuable contributions to humanity, the Jesuits have always been polarizing; Rev. John O'Malley S.J.<sup>9</sup> highlights the extremes of characterization of the Jesuits through their more than 450-year history – reviled as devils, revered as saints (O'Malley, 1993). The conflicting perspectives are regularly attributed to Ignatius and the First Jesuits' unusual vision and ministry for the order (Lowney, 2005; Modras, 2004; O'Malley, 1993).

Consensus exists about the *Spiritual Exercises* being one of the greatest legacies of Ignatius of Loyola, a compilation of prayers and examinations providing guidance to attain self-awareness and seek personal transformation through increased awareness, discernment, and conscious decision-making (Lowney, 2005; O'Malley, 1993; Trueblood, 2021). Former Jesuit, scholar, author, and business leader Chris Lowney (2005) focuses on four fundamental Jesuit principles to guide leadership – self-awareness, ingenuity, love, and heroism. James Martin (2010), Jesuit priest, writer, and fierce advocate for inclusivity of the LGBTQ community in the Catholic church, summarizes the four essential characteristics of Ignatian Spirituality as – finding God in

---

<sup>9</sup> Rev. John O'Malley S.J. (1927-2022) was a Jesuit priest and one of the most well-known Catholic and Jesuit historians. A respected leader acclaimed for his ability to engage faithful and seculars alike with his objective and thought-provoking perspective.

all things, becoming a contemplative in action, looking at the world in an incarnational way, and seeking freedom and detachment. It is essential to highlight how lay and ordained perspectives advocate for foundational aspects of Ignatian principles introduced by the *Spiritual Exercises*, especially Discernment.

As a central element to the *Spiritual Exercises* and Ignatian Spirituality, Discernment should be central to any approach to Ignatian leadership. Discernment fosters a systematic approach to decision-making while considering holistic reasoning, inclusive of interdisciplinary perspectives grounded in experiences, awareness, and self-discovery (Trueblood, 2021). Scholars sustain implementing contemplative and active discernment, promote self-awareness, and present secular and spiritual alternatives for the service of the common good (Brackley, 2018; DeFeo, 2020; Rothausen, 2017; Tilghman-Havens, 2020). Furthermore, more experts agree on the impossible separation of inner-self or spiritual self and professional or secular self (Kalscheur, 2007; Modras, 2004; Nullens, 2019).

Jesuits are also professionals in diverse fields; scholars and practitioners have attributed the success of an Ignatian approach to the humanistic lens favored by Ignatius coupled with the commitment to actively engage and advocate for intentional, systematic discernment (DeFeo, 2020; Kalscheur, 2007; Rothausen, 2017). As Ignatius invited many to join him as he sought a deeper relationship with God through service, this document invites the reader to be attentive to different perspectives, needs, cultures, languages, sources of spirituality, and moral compasses in an attempt to embrace the research from an interdisciplinary, multicultural context.

Similarly, to engage in an authentic and comprehensive exploration, it is essential to acknowledge the positive attributes of Spiritual and Jesuit leadership while maintaining cognizance of the Church's antagonistic historical role. It was critical to engage in unbiased research, guided by Ignatius' open mind and respect for different cultures and traditions (O'Malley, 1993; Tilghman-Havens, 2020), while also recognizing and examining faults (Beyers, 20127; Brackley, 2004) of the undeniable pain as the result of forced missionary efforts, colonization, and the implementation of the Church to further impose European values on Indigenous communities (Modras, 2004).

### **Summary**

The chapter offered a comprehensive literature review of relevant academic and professional literature on tribal criminal jurisdictional authority. The historical and legal aspects provide a chronological background of policies and legislation applicable to the issue. Additionally, the literature provided background information on the status of the problem of MMIW and MMIP, as well as introduced significant stakeholders and their roles. It analyzed operational challenges resulting from inconsistent tribal criminal jurisdictional authority. Lastly, the literature presented a rationale for implementing Spiritual and Ignatian Leadership theories to guide more just, inclusive, and culturally appropriate policy recommendations. Chapter Three will provide a detailed description of the intended methodology to be used in the dissertation in practice.

### CHAPTER THREE: METHODOLOGY

This chapter provides a detailed description of the methodology used in the dissertation in practice. The qualitative embedded multiple case study implemented various methods of inquiry, data collection, and analysis. The research employed four cases bounded by jurisdictional bases to illustrate the array of concealed issues impacting tribal criminal jurisdictional authority. The researcher acknowledges the impact of her experiences and perspectives and shares her intrinsic axiological assumptions and biases. Additionally, the chapter incorporates a brief discussion of value theory and theoretical replication anchoring the research methodology, while Spiritual and Ignatian Leadership theories guided the recommendations.

#### **Research Question**

The following research questions guided the qualitative study:

RQ1: How do legislative inconsistencies at federal, state, and tribal levels impact federally recognized tribal governments' criminal jurisdictional authority?

RQ2: What is the effect of limited tribal criminal jurisdictional authority on Indigenous people's safety?

RQ3: How do tribal criminal jurisdictional discrepancies limit Indigenous people's access to justice?

#### **Method**

The study implemented a qualitative multiple-case study. The complexity of the problem itself guides the selection of a multiple case study. Creswell (2014) asserted a qualitative approach is beneficial to interpreting the complexity of a social problem. Yin (2018) maintained case studies contribute to evaluation based on the comprehensive

ability to explain, describe, illustrate, and enlighten the phenomena of interest. Additionally, Stake (2006) highlights the importance of portraying how the shared phenomenon is impacted by context not to be compared but to be understood. Therefore, a qualitative multiple-case study was used to comprehensively explore and understand the overarching impact of patchwork legislation and policies on Indigenous people's safety and access to justice.

At this time, there was no anticipation of any significant ethical concerns that could hinder the methodological integrity of the study. To ensure the research soundness was preserved, the researcher requested guidelines from Creighton University IRB/IBC Research Compliance Office regarding the adequate timeline of research IRB application and submission of FOIA requests, adhering to the Compliance Office guidance, FOIA requests and the IRB application were completed in parallel (IRB/IBC Administrator, Research Compliance Office, Creighton University, personal communication, September 22, 2023). The IRB/IBC Research Compliance Office determined the study to be Exempt from the Federal Policy for the Protection of Human Subjects (see Appendix A). Under the recommendations of the APA (2020) and Levitt et al. (2021), the study sought to mindfully adhere to principles of fidelity and utility to guide the formulation and evaluation of the methods and procedures implemented in the study.

### **Research Design Overview**

The research was structured to uphold academic integrity; still, it was influenced by the researcher's experiences, philosophical assumptions, and interpretative frameworks implemented. Understanding the researcher's perspective as a female immigrant with a background in American history, policy, religion, and law is crucial to

maintaining transparency and adhering to the desired academic rigor. Similarly, it is essential to emphasize the researcher's axiological assumptions informing the research. An axiological assumption is centered around values and their role within the problem and the context of the study (Creswell & Poth, 2018). Allowing the researcher to submerge herself into the research resulted in a fusion of the participants' voices and the researcher's interpretation equally influenced by objective information and subjective moral evaluation.

The study was additionally guided by value theory and theoretical replication. From a philosophical perspective, value theory constitutes moral philosophy focused on the inquiry of value and goodness, encompassing evaluative aspects (Honderich, 2005; Schroeder, 2021). The approach is appropriate given the inquisitive desire to explore the issue, consideration of more significant implications, and intent to analyze the various moral positions. Acknowledging the implementation of value theory in the study invited further discernment of valuable insight into legal, religious, cultural, and ethical implications. In the same manner, ensuring the reader's awareness of the underlying principles guiding integral issues of social justice, civil liberties, and ethics as they relate to the phenomenon was significant.

Theoretical replication was implemented as an anchor for the design study. Yin (2018) defines theoretical replication as a fundamental aspect of analogous logic in which the selected cases predicted contrasting results for anticipatable reasons. Theoretical replication fostered the exploration of the phenomenon under diverse contexts. Additionally, the implementation of theoretical replication was beneficial for evaluating research while critically promoting rigorous and systematic inquiry.

The research implemented a qualitative multiple-case study. The embedded multiple-case study is bounded by selecting four cases with unique jurisdictional challenges. California and Alaska represented the PL 280 jurisdictions, while Oklahoma and South Dakota, the non-PL 280 jurisdictions, the four states provide exceptional jurisdictional divergences to comprehensively illustrate the problem. Stake (2006) mentions the number of cases selected for a multiple case study is crucial for the study contributions, with a recommended minimum of four. In this study, implementing four cases is vital to better characterize the significant problems created by jurisdictional inconsistencies and ensure the multiple case study maintains academic integrity while producing actionable solutions contributing to the common good.

The selection of qualitative research design is influenced by the convoluted layers of inconsistencies impacting tribal criminal jurisdictional authority coupled with the aspiration of comprehensively understanding the issue. A qualitative approach provided the researcher with the opportunity and flexibility to explore the phenomenon to discover the numerous elements impacting it. Experts assent a qualitative multiple case study help illustrate and understand the desired phenomenon through the diverse perspectives of the different cases with a shared anomaly (Creswell & Poth, 2018; Stake, 2006; Yin, 2018). Additionally, the selected approach ensured a contribution to the academic and professional literature by producing an exhaustive baseline to study the problem further, utilizing diverse perspectives and methodologies.

The research studied the complex phenomena of tribal criminal jurisdictional authority. More specifically, how inconsistencies in tribal criminal jurisdictional authority impact Indigenous people's safety and access to justice. Safety, as previously

defined, refers to Indigenous people's ability to be protected and away from harm, and access to justice is defined as Indigenous people's opportunity to secure individual rights under the law and their ability to use the legal system to advocate for themselves and their interests.

Implementing an embedded multiple-case study approach allowed for a more profound investigation of subunits within each case (Yin, 2018). It was expected that tribal criminal jurisdiction would be influenced by operational discrepancies related to subunits such as data, law enforcement, and the judiciary. Exploring the subunits from each case perspective anticipated a greater and more detailed understanding of the phenomenon.

### **Participants**

The study implemented a nonprobability sample. Babbie (2017) describes nonprobability sampling as any sampling technique unsupported by probability. A nonprobability sampling strategy was selected based on the distinct research interest. The participants must have sufficient knowledge of the problem to contribute meaningfully to the study. A combination of purposive and snowball sampling was implemented to ensure participants had the required level of expertise on the topic.

Creswell and Poth (2018) maintain purposeful sampling is an appropriate strategy to collect data from individuals able to inform an understanding of a specific or narrow issue. As a result of the detailed knowledge required to contribute to finding and framing a solution, purposeful sampling was a helpful sampling strategy (Babbie, 2017). Additionally, Babbie (2017) suggests snowball sampling to be appropriate when the members of a unique population are difficult to locate. Based on the background of the

individuals and the expertise required, the participants were referred to as informants from this point forward. Babbie (2017) defines an informant as someone knowledgeable about the phenomenon and willing to share their knowledge.

The purposive sampling informants were recruited from previous professional relationships the researcher has with experts in the field; the snowball sampling recruitment was implemented by asking the initial purposeful informants to recommend additional experts to participate as informants in the study. The informant sampling included Indigenous attorneys to ensure a culturally appropriate and inclusive investigation. The American Bar Association (ABA) reports only 0.4% of attorneys in the United States are Indigenous (American Bar Association [ABA], 2020). The limited population, the political designation, and the aspiration to craft alternatives guided by legal and cultural experts were fundamental for the participant's inclusion criteria.

Guided by the research design and goal and Yin's (2018) assertion on the benefit of conducting multiple case designs by replication and not sampling logic, the study did not seek to reach sufficient representativeness or adequacy of power. The study did not intend to assess the prevalence of the phenomena but to explore the phenomena and subunits in the unique context provided by the individual cases to present a comprehensive illustration of the problem.

### **Data Collection**

The study utilized multiple sources of data collection, including documentation, archival records, and interviews. The documentation and archival records included public records or open sources. Additionally, official documents and documents requested under

the Freedom of Information Act (FOIA, 1967/2016). The interviews were conducted with the collaboration of critical informants' experts on the issue.

### ***Data Collection Procedures***

The documents and archival records were collected from diverse public and open sources. The study intended to develop a convergent approach to data collection. Yin (2018) proposes that developing a convergent strategy for multiple sources of evidence will increase the study's confidence, and triangulating the data from diverse sources will help strengthen the study's validity. Creswell and Poth (2018) recommend utilizing the researcher, readers, and participants' perspectives to validate qualitative research. Triangulation of multiple data sources and extensive reflection and bias acknowledgment were implemented as the researcher's lens of increased validation. Experts' feedback and collaboration ensured a participant's lens is considered, and producing comprehensive descriptions and engaging in the debriefing of the data through the research process provides a reader's perspective on the validation strategies.

The document analysis, archival records, and interviews were conducted online, via email, in person, and in writing. The document analysis and archival records helped frame the issue, and document analysis, archival records, and interviews guided the recommendations. The data was kept in a private office and secured in a password-protected file.

### ***Data Collection Tools***

A semi-structured interview protocol was implemented (see Appendix B). The semi-structured interview protocol was chosen as a beneficial tool to allow cultural norms to be honored and respected. The interview protocol was designed and reviewed based on

the research question. Indigenous third parties revised the interview protocol to ensure appropriateness and cultural sensitivity were honored. Informed consent to participate in the study will be required from the informants (see Appendix C). Confidentiality will be maintained through several strategies, such as utilizing non-personally protected information, informants being identified as “Expert #1, Expert #2, and so forth, data redaction, password-protected files, and encrypted software were also implemented.

The rationale for implementing the semi-structured interview protocol is that it allows participants to explain the how and why of central events (Yin, 2018). Additionally, Yin (2018) emphasizes case study interviews are meant to resemble casual conversations rather than structured interrogation. The number of proposed questions might seem excessive; nevertheless, the issue is impacted by numerous legislation and policies that can be traced to the Declaration of Independence. It was vital to allow opportunities for the experts to elaborate on diverse aspects, historical events, and legislation that impact the discrepancy in legislation. Not all experts had comprehensive knowledge or opinions about the proposed questions. Given the limited amount of Native American attorneys, the American Bar Association estimates there are only 2,640 (American Bar Association [ABA] & Smith, 2014); it was imperative to be prepared with questions that could result in a meaningful contribution to the issue. All the possible questions are relevant to the tribal criminal jurisdictional inconsistencies.

The questions were curated from the researcher’s ability to attend or read transcripts and analyze diverse tribal consultations, listening sessions, or public hearings to discern appropriate questions aligning with the research questions and aim of the study over the last two years. The proposed questions also served as tools for developing

convergent evidence to support the study's validity (Yin, 2018). Furthermore, it provided vast opportunities to collect data in narrative and numerical forms to increase the overall analysis reliability (Yin, 2018). The questions have been designed to allow the expert to look at the issue from diverse perspectives and consider the four cases included in the study.

### **Data Analysis**

The data was collected and organized by themes. Pertinent information was transcribed and redacted for confidentiality. The data was analyzed utilizing a two-fold approach, including manual and electronic coding strategies. The researcher utilized MAXQDA software for assistance with data management and analysis. Saldaña (2016) suggests implementing coding strategies to obtain more meaningful data for the study. Therefore, it was anticipated a combination of Versus and In Vivo coding strategies would produce significant insightful data.

Versus coding was beneficial in establishing the differing power imbalance between tribal criminal jurisdictional authority and state and federal criminal jurisdictional authorities. Saldaña (2016) recommends the approach to coding to be beneficial for policy and evaluation research, suggesting stakeholder's competing goals. In Vivo, coding was used to preserve the participant's voice, honor cultural differences, and accurately diffuse Indigenous perspectives.

The holistic approach to data analysis was implemented to develop a comprehensive understanding of the issue. Yin (2018) proposes identifying the issues within each case and examining the common overlapping themes. Considering Yin (2018) and Creswell and Poth (2018), the study incorporated a two-step case analysis.

The first step was to conduct a detailed within-case interpretation, followed by a cross-case analysis where the goal was to understand the issue, not to compare it.

### ***Methodological Integrity***

The methodological integrity of the document was achieved by implementing diverse strategies. The principles of fidelity and utility supporting methodological integrity are described in the applicable sections of the research in detail. (American Psychological Association [APA], 2020; Levitt et al., 2021).

### **Ethical Considerations**

The ethical principles and guidelines established by the Belmont Report (1979) guided the research. The research was heavily influenced by legislation, document analysis, and interviews with expert informants. After extensive consideration and based on the guidelines of a formal risk assessment examining the potential hazards the study could cause participants, it anticipated there was minimal risk to informants, given the interview sought the informants to be subject matter experts. Thomas (2021) asserted temporary interactions when the object of the study is understanding a policy or issue with informants not considered vulnerable should not require a formal risk assessment.

The informants received detailed information sheets about the study and a Bill of Rights of Research Participants with explicit information on the informant's right to withdraw or end the interview at any time without an explanation (Appendix B). As previously established, the object of the study did not pose more than minimal risk to participants. Still, confidentiality was safeguarded by redacting any personally identifiable information utilizing password-protected files and encrypted software.

### **Summary**

The methodology section provided a structured and detailed approach to deeply explore and understand the challenges faced by tribal criminal jurisdictional authority. The methodological approach is dedicated to accurate cultural representation by preserving the informants' voices while allowing the researcher to interpret the findings, emphasizing academic rigor and transparency, and addressing essential ethical concerns. Chapter Four will present the results of the individual cases and the findings of the cross-case analysis.

## CHAPTER FOUR: FINDINGS AND CROSS-CASE ANALYSIS

As previously mentioned in Chapter 1, this multiple-case study aimed to investigate the impact of patchwork legislation and policies on Indigenous people in both Public Law 280 and non-Public Law 280 jurisdictions. The following research questions guided the study: (1) How do legislative inconsistencies at federal, state, and tribal levels impact federally recognized tribal governments' criminal jurisdictional authority? (2) What is the effect of limited tribal criminal jurisdictional authority on Indigenous people's safety? And (3) How do tribal criminal jurisdictional discrepancies limit Indigenous people's access to justice?

Framed by the previous research questions, this chapter will first introduce the findings of the four individual case studies; Alaska and California represented the PL 280 jurisdictions, while Oklahoma and South Dakota represented the non-PL 280 jurisdictions. Subsequently, the interviews with expert data and the cross-case analysis objectively and comprehensively illustrate the challenges arising from inconsistencies in tribal criminal jurisdictional authority. Finally, the chapter includes a discussion to contextually examine and interpret the findings of the individual case studies, interviews with experts, and the cross-case analysis.

### **Findings**

The study found the patchwork of legislation and policy severely impacts tribal criminal jurisdictional authority, further hindering the ability of Indigenous people to access justice. Through systematic analyses, the four case studies highlighted the disparities in jurisdictional authority, emphasizing the intricate legal foundations underpinning delegations of powers to states, thereby contributing to a comprehensive

understanding of the complex relationship between federal, state, and tribal governments. Moreover, it became evident that grasping the historical underpinnings and discrepancies from varied jurisdictional authorities was crucial to crafting actionable solutions. Similarly, the interviews with experts offered profound insights and unique perspectives into the contextual significance and practical implications of the patchwork of laws and policies. Furthermore, the interviews provided invaluable guidance to focus in people centered or humanistic solutions.

### **Public Law 280**

Public Law 280 (PL 280) granted some states limited civil and criminal jurisdiction from the federal government over Indigenous people (18 U.S.C § 1162, 1953). Initially enacted in 1953, PL 280 transferred federal jurisdiction over crimes occurring in Indian Country to the states of California, Minnesota, Nebraska, Oregon, and Wisconsin (18 U.S.C § 1162, 1953). In 1958, Congress added Alaska to the mandatory PL 280 list (PL-85-615, 1958), and in 1959, Alaska joined the Union as a PL 280 state (Alaska Statehood Act, 1958). The vast array of discrepancies of authority, even within PL 280 states, further hinder the cohesiveness desired to enforce the law equitably. It is essential to note PL 280 provided states with limited civil judicial and criminal jurisdictional authority but did not provide the states with civil regulatory powers (*Bryan v. Itasca County*, 1976).

To further intensify the jurisdictional conundrum, there are also Optional PL 280 states, which allows some states to assume full or partial jurisdiction on tribal lands (25 U.S.C § 1321, 1968). Optional PL 280 states is an umbrella term utilized to refer to the states exercising jurisdictional authority under a framework guided by PL 280; each state

has unique agreements or provisions tailored to the needs of each jurisdiction. Appendix D provides a nuanced overview of the jurisdictional landscape by delineating the divergent frameworks governing PL 280 and Optional PL 280 states. The multiple-case study focused on the states of Alaska and California as the representation of the PL 280 jurisdictions.

### **Alaska**

Affectionately known as the "Great Land," Alaska holds the distinction of being the largest state in the United States with over 660,000 square miles of breathtaking natural beauty and diverse wildlife, making it a mecca for nature enthusiasts, with the majestic Denali, the highest peak in North America, beckoning adventure seekers (National Park Service [NPS], 2020). More importantly, the monumental and young state is home to 227 federally recognized tribes and villages, totaling 229 individual communities (CRS, 2023). Alaska's relationship with its Indigenous people is unlike another in the United States, and it has always been a PL 280 state (Alaska Statehood Act, 1958).

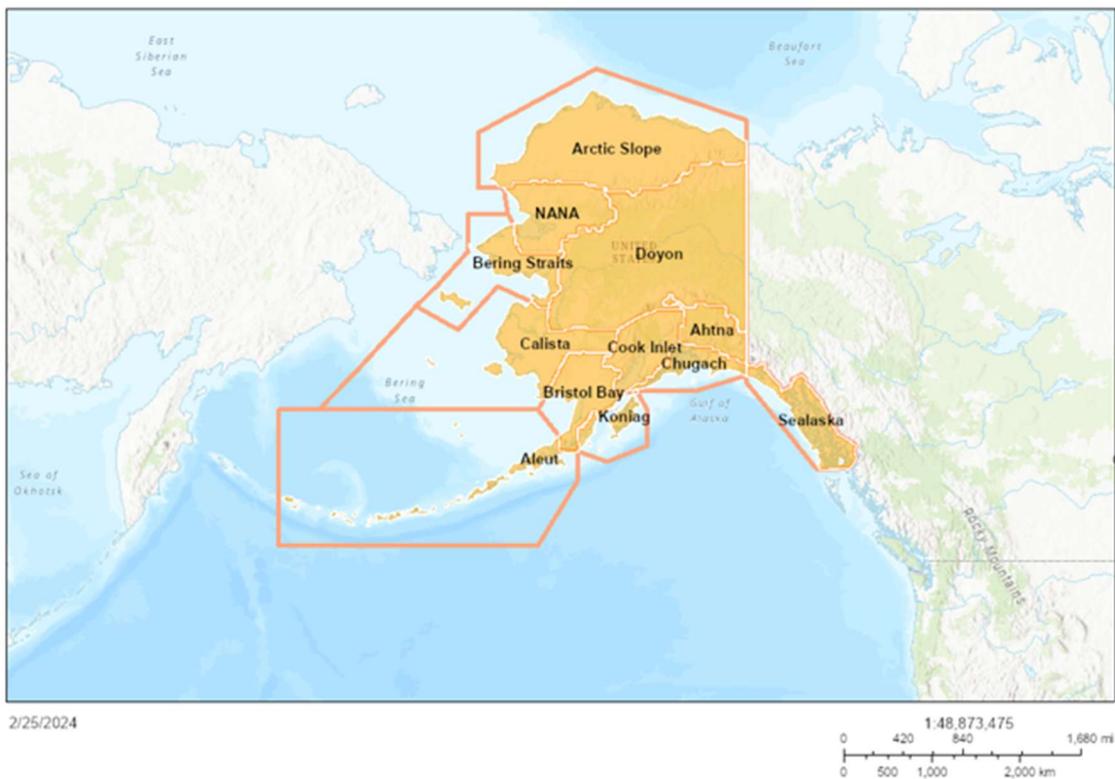
### ***Lands and Laws***

The uniqueness of Alaska's land ownership arose from a combination of the Alaskan Native Allotment Act (ANAA), the Alaskan Native Townsite Act (ANTA), the Alaskan Native Claim Settlement Act (ANCSA, 1971), and PL 280 (1953). Succinctly, ANAA (1906) and ANTA (1926) focused on the allocation of land for individual and community use, and ANCSA (1971) abolished Indigenous land claims in exchange for the establishment of regional and village corporations.

In Alaska, approximately 44 million acres of land are structured as corporations, and the Indigenous people of Alaska are the shareholders. The initiative divided the state into twelve Native Corporations regions (see Figure 1), established with the goal of solving land and economic disputes and focused on economic development while preserving Indigenous culture and tradition (ANCSA, 1971/1601 et seq.).

**Figure 1**

*Alaska Native Claims Settlement Act (ANCSA) Regions*



Note. ANCSA Region Map created with ArcGIS [base layer Esri\_US\_Federal Data].

Still, the legislation is often regarded as a bureaucratic tool to extinguish Indigenous rights to lands systemically; the approach to land title resulted in additional complexities due to its impact on tribal sovereignty. One of the main issues is the

corporate governance approach required for Alaskan regional villages, and corporations do not align with traditional Indigenous governance models. It is also essential to highlight Alaskan villages organized previously to the Indian Reorganization Act (1934) were impacted differently by ANCSA; the corporations owned the land, but the tribal village governments were unchanged.

The one exception to ANCSA is the Metlakatla Indian Community (MIC) on the Annette Islands, which is Alaska's only reservation in the conventional sense (Annette Islands reserved for Metlakahtla Indians, 1891/2001). This community of Tsimshian ancestors from the Pacific Northwest was initially invited to Alaska by President Cleveland in 1887 to move to the area on a reservation set aside for them (Jiménez & Song, 1998). As a result of its unique history and the differences the federal government has established between Alaska and the lower 48, the MIC reservation constitutes the only trust land and Indian country in the state.

Additionally, the convoluted approach superimposed a fundamental challenge shaped by the legal definition of Indian Country, resulting in limitations to Indigenous people based on legal jargon. Due to the legal definition of Indian Country, only one reservation in Alaska meets the definition of Indian Country<sup>10</sup>. The exclusion based on land designation has often resulted in systemic marginalization of Alaskan tribes. Alaska's complex land designation has resulted in countless legal challenges to ultimately question tribal sovereignty, governance, affiliation, allocation of services, and jurisdictional authority, further endangering Indigenous people and limiting equitable access to justice (Indian Law & Order Commission, 2013, Chapter 2).

---

<sup>10</sup> The Metlakatla Indian Community is the only Indian reservation in Alaska as it was not terminated as part of the Alaska Native Claims Settlement Act (1971).

Furthermore, the uniqueness of Alaska extends to its Indigenous people and is paradoxical to the concept of dual sovereignty of Indigenous people in the lower 48 states. In Alaska, tribal jurisdiction is member-based or based on tribal citizenship inverse to territorial or geographical boundaries such as reservations (ANCSA, 1971/1601 et seq.; Cohen, 1942/2014; ICWA, 1978; *Native Village of Venetie IRA Council v. State of Alaska*, 1991).

The previously mentioned land designation signified the remaining Alaskan tribes were excluded from the benefits of participating in programs like Special Domestic Violence Jurisdiction (SDVJ) which was meant to serve and empower tribal governments as intended by VAWA (2013). However, the reauthorization of VAWA in 2022 was amended to recognize the inherent right of Alaskan regional villages and corporations to exercise Special Tribal Criminal Jurisdiction (STCJ) under a limited pilot program. The Progress Report to Tribal Nations (2023) stated the program was launched with a limit of 5 tribes per calendar year.

### ***Law Enforcement***

PL 280 (1953) established Alaska was responsible for law enforcement and prosecutorial duties in Indian country. Still, it did not provide the state with a budget to assume additional responsibilities (Alaska Department of Public Safety [DPS], 2017; Mallonne, 2021). Alaska had denied funding to tribal governments' law enforcement based on the misguided and often contended premise of the jurisdictional authority of PL 280. The legislation transferred federal powers to states but did not explicitly abolish tribal jurisdictional authority (Cohen, 1942/2014; Indian Law & Order Commission, 2013). Law enforcement is as much of a patchwork as criminal jurisdictional authority in

Alaska. Even when the state is a PL 280, data found inconsistencies existed in providing services to Indigenous people.

Alaska State Troopers (AST) is Alaska’s primary law enforcement agency.

Detachments organize the agency; see Table 1, Alaska State Troopers Detachments Table, for additional regional service information.

**Table 1**

*Alaska State Troopers Detachments*

Detachment	HQ, Region	Area	Personnel	Population	Population Served
A-North	Soldotna, Kenai Peninsula	21,701 sq. mi.	62 total 35 troopers	59,735	40,000
A-South	Ketchikan, Southeast Alaska	36,000 sq. mi.	28 total 13 troopers 5 VSPO	74,395	10,149
B	Palmer, Mat-Su Valley	52,465 sq. mi.	78 total 58 troopers 5 VPSO	77,551	77,551
C	Anchorage, Western Alaska (including Kodiak)	216, 077 sq. mi.	82 total 57 troopers	75,083	43,242
D	Fairbanks, Interior Alaska	163,700 sq. mi.	100 total 62 troopers 6VPSO	114,267	114,267

Note. The Alaska State Troopers Detachment Chart contains public data from the Alaska Department of Public Safety, State Troopers AST Sections (Alaska Department of Public Safety, Alaska State Troopers [DPS, AST], n.d.).

Geography and climate further exacerbated Alaska’s inherent challenges to law enforcement. AST Detachment B is comprised of 58 troopers and 5 VPSOs; these cover an area approximately the size of the State of Arkansas (Alaska Department of Public Safety, Alaska State Troopers [DPS, AST], n.d.) Still, Arkansas has approximately 7,642 sworn officers (Arkansas Department of Public Safety, 2022). The analogy is critical to illustrate the challenges of providing law enforcement services to the last frontier as, at times, it might be impossible to imagine the disparities.

Another integral public service stakeholder serving Indigenous people in Alaska is the Village Public Safety Officers (VPSO), which is a program established by the Alaska legislature and under the authority of the Department of Public Safety (DPS) (Village and Regional Public Safety Officers, 1979). The program was created to train and deploy local community members to provide public safety in remote Indigenous communities. The Alaska Department of Public Safety, Village Public Safety Officer Program (2023) employs 70 VPSO, and an estimated ten will be added to the force in 2024. VPSOs are not state employees but employees of the regional Native or Alaskan organization administering the program. Still, they work under the oversight of AST (Indian Law & Order Commission, 2013). Prior to 2014, VPSOs were not authorized to carry weapons until the statute was amended to authorize VPSOs to be armed while on duty in rural Alaska (VPSO Firearms, 2014). It is unknown if any carry weapons today; in a 2020 VPSO Working Group Report by the Joint Alaska Legislature, none of the VPSO carried firearms, and liability to employers was cited as a possible reason (Alaska State Legislature, 2020).

As of January 2024, the DPS recognizes 10 VPSO programs serving 118 villages or communities; Table 2, VPSO Communities Served, illustrates how many communities are served through the current 10 VPSO programs.

**Table 2**

*VPSO Communities Served*

VPSO Program	Communities Served	VPSO
	(1) Adak, (2) Akutan, (3)Atka, (4) Seldovia, (5) False Pass, (6) Nelson Lagoon, (7) Saint George, and (8) Tyonek.	

---

Aleutian Pribilof Island Association (APIA) <sup>11</sup>	(1) Akiachak, (2) Akiak, (3) Alakanuk, (4) Atmautluak, (5) Cheforak, (6) Chevak, (7) Chuathbaluk, (8) Crooked Creek (9) Eek, (10) Emmonak, (11) Goodnews Bay, (12) Hooper Bay, (13) Kasigluk, (14) Kipnuk, (15) Kongiganak, (16) Kotlik, (17) Kwethluk, (18) Kwigillingok,	8
Association of Village Council Presidents (AVCP) <sup>12</sup>	(19) Marshall, (20) Mekoryuk, (21) Mountain Village, (22) Napakiak, (23) Napaskiak, (24) Newtok, (25) Nightmute, (26) Nunam Iqua, (27) Nunapitchuk, (28) Pilot Station, (29) Quinhagak, (30) Red Devil, (31) Russian Mission, (32) St. Mary's, (33) Scammon Bay, (34) Sleetmute, (35) Stony River, (36) Toksook Bay, (37) Tuluksak, (38) Tuntutuliak, and (39) Tununak.	8
Bristol Bay Native Association, Inc. (BBNA) <sup>13</sup>	(1) Aleknagik, (2) Chignik Bay, (3) Chignik Lake, (4) Clarks Point, (5) Egegik, (6) Ekwok, (7) Igiugig, (8) Iliamna, (9) Kokhanok, (10) Koliganek*, (11) Levelock, (12) Manokotak, (13) Naknek, (14) Newhalen, (15) New Stuyahok, (16) Nondalton, (17) Pedro Bay, (18) Perryville (19) Pilot Point*, (20) Port Heiden, (21) Togiak*, and (22) Twin Hills.	3*
Central Council Tlingit & Haida Indian Tribes of Alaska	(1) Angoon, (2) Coffman Cove, (3) Hydaburg, (4) Kake, (5) Kasaan, (6) Pelican, (7) Saxman, and (8) Thorne Bay.	10
Chugachmiut	(1) Chenega Bay, (2) Nanwalek, (3) Port Graham, and (4) Tatitlek.	10
Copper River Native Association (CRNA) <sup>14</sup>	(1) Chistochina, (2) Chitina, (3) Copper Center, (4) Gakona, (5) Gulkana, (6) Mentasta, and (7) Tazlina.	6
Kawerak, Inc <sup>15</sup>	(1) Brevig Mission, (2) Elim, (3) Gambell, (4) Golovin, (5) Koyuk, (6) Little Diomedea, (7) Savoonga, (8) Shaktolik, (9) Shismaref, (10) Saint Michael, (11) Stebbins, (12) Teller, (13) Unalakleet, (14) Wales, and (15) White Mountain.	6
Kodiak Area Native Association (KANA) <sup>16</sup>	(1) Akhiok, (2) Ouzinkie, (3) Port Lions, (4) Old Harbor, and (5) Larsen Bay.	6
Northwest Artic Borough (NAB) <sup>17</sup>	(1) Ambler, (2) Buckland, (3) Deering, (4) Kiana, (5) Kivalina, (6) Kobuk, (7) Noatak, (8) Noorvik, (9) Selawik, and (10) Shungnak.	5
Tanana Chief Conference (TCC)	(1) Alatna, (2) Allakaket, (3) Anvik, (4) Arctic Village, (5) Beaver, (6) Birch Creek, (7) Central, (8) Chalkyitsik, (9) Circle, (10) Eagle, (11) Fort Yukon, (12) Grayling, (13) Holy Cross, (14) Hughes, (15) Huslia, (16) Kaltag, (17) Koyukuk, (18) Manley Hot Springs, (19) McGrath, (20) Minto, (21) Nikolai, (22) Nulato, (23) Rampart, (24) Ruby,	5

---

<sup>11</sup> Includes a total of 13 communities, the Aleutian Islands extend west over 1,100 miles from Alaska's mainland; the area is approximately 100,000 square miles, slightly larger than the states of Kentucky, Maryland, and Virginia combined (Aleutian Pribilof Island Association [APIA], n.d.).

<sup>12</sup> Comprised of 56 federally recognized tribes in the Yukon-Kuskokwim Delta (Association of Village Council Presidents [AVCP], 2018).

<sup>13</sup> \*3-permanent VPSO and 19 covered by AST (Bristol Bay Native Association [BBNA], 2022).

<sup>14</sup> (Copper River Native Association [CRNA], 2020).

<sup>15</sup> As of December 2021, six of the 15 villages had a VPSO (McKinley Research Group, 2022).

<sup>16</sup> 5 VPSO and 1 VPSO Coordinator (Kodiak Area Native Association [KANA], 2024).

<sup>17</sup> 4 VPSO and 1 VPSO (vacant) Coordinator (Northwest Artic Borough [NAB], 2024).

---

(25) Shageluk, (26) Stevens Village, (27) Tanana, (28) Tetlin,  
and (29) Venetie.

---

Note. VPSOs commonly are the first and, at times, the only first responders in many remote areas of Alaska until AST or the pertinent agency can respond.

Additionally, the Alaska Administrative Code (AAC) permits the appointment of Village Police Officers (VPO) and Tribal Police Officers (TPO) (13 AAC 89, 1981).

VPOs can be appointed by a village as established by the AAC, and TPOs can be appointed by a village or unincorporated tribal community. An essential difference between VPOs and TPOs is VPO certification; VPOs must obtain certification from the Alaska Police Standard Council (APSC) after meeting all the requirements and successfully attending a basic training academy. Furthermore, under Alaska law, TPOs do not qualify or have the authority of a police officer, and tribal justice agencies do not meet the qualifications of a police department (Alaska Police Standards Council [APSC], 2021). As of February 2024, there are no centralized records of VPO or TPO, and the requirements to gain employment and attend training are inconsistent between the villages, tribal communities, the state, and the APSC responsible for training (APSC, 2021; 13 AAC 89, 1981).

In combination with the previously mentioned public service organizations, Alaska and the APSC also recognize 46 law enforcement agencies, among them is the Metlakatla Police Department. Despite extensive litigation through the years, the Metlakatla Indian Community (MIC) on the Annette Island Reserve maintained concurrent criminal jurisdiction of its territory with the federal government (Constitution and By-Laws of the Metlakatla Indian Community art. I; 18 U.S.C § 1162, 1953/2000). However, the MIC has voluntarily subjected itself to state law and APSC regulations.

Consequentially, MIC police officers are certified as Alaskan Police Officers, and their authority is fully recognized by the courts in Alaska (APSC, 2021).

The Not Invisible Act Commission (2023) submitted its findings and recommendations to Congress, the DOJ, and the DOI on November 1, 2023. A response to this report was expected from the Secretary of the Interior (the Secretary) and the Attorney General (AG) not later than 90 days after the date of the report submission (Not Invisible Act, 2020). As of February 10, 2024, there was no response by the Secretary or the AG. Furthermore, BIA has no law enforcement presence in Alaska. There are no BIA uniformed police officers or special agents domiciled in the state. This lack of presence includes general crimes investigators, drug crimes criminal investigators, and specialty MMU criminal investigators. Additionally, data from the DPS demonstrated 87% of the 355 AST force employed in 2020 are white, while only 4.8% are Indigenous (Department of Public Safety [DPS], 2020). The data signaled another possible reason why the response to Indigenous people in the Great State is inequitable.

The ever-changing law enforcement crisis has resulted in a lack of protection for Indigenous people in Alaska (Indian Law & Order Commission, 2013; Mallonee, 2021). The combination of lack of funding, understaffed law enforcement, geography and weather, and jurisdictional uncertainty often hinders the ability of Indigenous people in Alaska to access justice. Furthermore, the regional approach implemented by law enforcement to provide services is often insufficient, does not foster a culture of interagency collaboration, and, in many cases, results in no access to law enforcement services for victims in remote villages for days (Indian Law & Order Commission, 2013).

The law enforcement section of the Alaska case study found that there are significant inconsistencies in the jurisdictional authority and operating procedures of law enforcement when serving Indigenous people in Alaska. This problem is compounded by the fact that tribal governments are not required to provide employment information (Bureau of Indian Affairs, Office of Justice Services [BIA, OJS], 2023). Accurate data is crucial for serving the community and allocating resources efficiently. These issues must be addressed to reduce uncertainties and better serve the community.

### *Courts*

The judicial system, as it pertains to Indigenous people, also presents inconsistencies. Currently, no standardized judicial system exists. Tribes, villages, and corporations, as sovereign nations, have the power to establish their unique judicial system and laws. Additionally, the interaction with state and federal courts is state-specific and contingent in several factors.

The State of Alaska has three levels of courts: the Supreme Court, the Court of Appeals, and the 40 trial Courts, further divided into district and superior courts (Alaska Court System, 2024a). Additionally, there are multiple tribal courts all over the country: Traditional Tribal Courts, Wellness Courts, Peacemaking Courts, Court of Indian Offenses or Code of Federal Regulations Courts (CFR Courts), Intertribal Courts, and Tribal Courts.

As with law enforcement, there is no centralized database for tribal courts in Alaska. In a “first-of-its-kind project,” the Alaska Legal Service Corporation (ALSC) created a comprehensive Alaska Tribal Court Directory (the Directory). The Directory included 222 of the 229 tribal governments and provided contact information, basic

information about their courts, the type of justice system, and the cases heard (Alaska Legal Services Corporation [ALSC], 2022). Data from the Directory (2022) was collected, and out of the 222 tribes included, 134 responded. Contact was not established for the remaining 88 tribes, and seven were omitted. A detailed report of the extracted data is included in Appendix E, and a summary of findings is included in Table 3, Tribal Courts in Alaska.

**Table 3**

*Tribal Courts in Alaska*

Responses	# of Tribes
Reported YES to having a Tribal Court or Judicial System	73
Reported NOT having Tribal Court or Judicial System	53
Reported YES to having a Tribal Court or Judicial System, but it is INACTIVE	5
Reported an INACTIVE court or judicial system	1
Reported DEVELOPING a Tribal Court or Judicial System	2
Reported not being able to establish contact	88
Reported having a Tribal Court	51
Reported having a Council	21
Reported having a Wellness Court	8
Reported having an Inter-Tribal Court	6
Reported having a court or judicial system without type	4
Reported having a Supreme Court and a Trial Court	1

Note. The detailed data used in Table 3 is included in Appendix E. Extracted from the Directory Project (ALSC, 2022).

The State of Alaska exercises civil and criminal jurisdiction of all matters. Tribes have the ability to exercise concurrent jurisdiction over limited tribal issues. Alaska’s judicial inconsistencies hinder the ability of Indigenous people to access justice; the immensity of its territory and the remote locations of villages and corporations’ locations further compound the accessibility problem. The Not Invisible Act Commission (2023) maintains Alaska suffers from disproportionate systemic racism fueled by federalism and

inadequate services. Alaska courts have taken steps to equitable service and empower Indigenous people by providing interpreters in 43 different Alaskan Native languages during FY 2023, by working with tribal courts and ensuring tribal representatives are involved with cases involving children or the tribal courts' petition to assume jurisdiction of the case (Alaska Court System, 2024a). Still, the compounded failures of law enforcement impact the judiciary's effectiveness. Alaska has responsibility for the crisis impacting Indigenous people in the state under the authority afforded to them under PL 280.

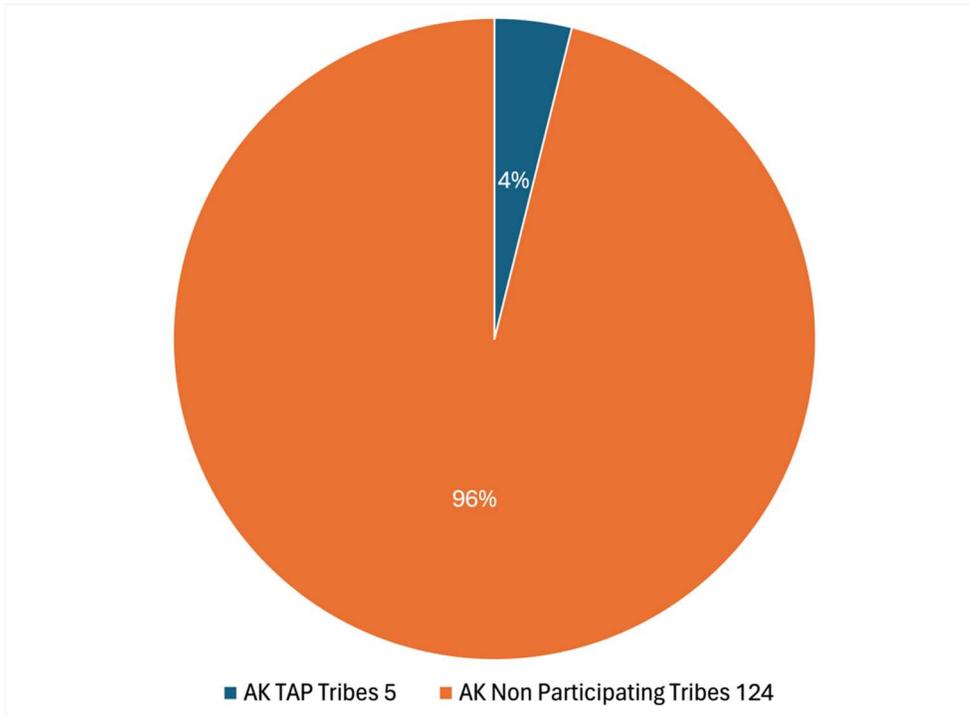
### ***Data Sharing***

Data is a critical aspect of any enforcement, and it is even more crucial for the enforcement of criminal law. How the stakeholders involved in providing public service to Indigenous people share data will impact the case and outcome. Unfortunately, as in the case of legislation and services to Indigenous people, data sharing is just as inconsistent. In Alaska, the state has great responsibility under PL 280.

In 2015, in an effort to aid with the data inconsistencies and lack of data sharing between diverse agencies and tribal governments, the DOJ launched the Tribal Access Program (TAP) (Department of Justice [DOJ], 2023). The program has received mixed feedback, but the DOJ continues to pursue its application. As of September 21, 2023, the DOJ reports three tribes in Alaska use the program, and two have been selected to participate in an expansion (Office of the Attorney General [DOJ OPA], 2023). This means the TAP initiative serviced a total of five tribal governments in the last nine years out of the 129 Indigenous communities in Alaska (see Figure 2).

**Figure 2**

*Tribes Participating in the TAP Program in Alaska*



Since August 2023, the Alaska Department of Public Safety (DPS), the Anchorage Police Department (APD), and the Fairbanks Police Department (FPD) have worked to produce what is referred to as a “one of a kind” Missing Indigenous People Report (Alaska Department of Public Safety [DPS], 2023). The agencies called it “reliable data to foster transparency and serve Indigenous people within the Alaska Public Safety Information Network” (APSIN). Still, upon detailed revision, the information released on October 2, 2023, and January 9, 2024, both reports have identical

information, the exact same number of cases and same names, not one more person went missing, and not one person was found in 100<sup>18</sup>.

A search using NamUs during the same date ranges of October 2, 2023, and January 9, 2024, resulted in additional 15 cases, 14 American Indian/Alaskan Native and one unknown. Of those 15 cases, only one was included on the DPS list for those dates. Additionally, a search was conducted on the Alaskan Persons Clearinghouse utilizing the exact dates between October 2, 2023, and January 9, 2024. The search resulted in 23 additional cases, 17 reported were categorized under American Indian/Alaskan Native, and six were of unknown race. After cross-referencing the Alaska Clearinghouse List with the DPS lists, not one of the 17 names in the Clearinghouse list was included. After comparing the NamUs list to the Alaska Clearinghouse, it was discovered that eight cases were listed in both; see Appendix F for the three detailed lists used.

This data evaluation is essential to highlight the discrepancy in databases used by law enforcement. Sadly, a list containing 37 missing people became a list of 67 missing people. Inspecting these three sources of information is not exhaustive, but still, it demonstrates the effects and dangers of inaccurate data. It is essential to centralize data input from all agencies and jurisdictions to better serve the community.

### **Alaska Summary**

The Alaska case study illuminates critical insights into the challenges of ensuring public safety for Indigenous communities. By emphasizing legal and jurisdictional disparities, it succinctly captures the intricate relationship between tribal, state, and

---

<sup>18</sup> Both reports include personal information, first and last name, city, borough, date of birth, sex, race or ethnicity, agency, date of last contact, and circumstances. The detailed comparison included 37 cases under unknown or suspicious circumstances of AN/AI or of an unknown race.

federal governments. The unequal access to services exacerbates the already strained relations between Indigenous and non-Indigenous populations. Moreover, the study reveals systemic issues in policy and legislation, highlighting the ongoing deception faced by Indigenous communities.

### **California**

California became the 31st state in 1850; it joined the union as a free state as a result of the Compromise of 1850 (Library of Congress [LOC], 2019). The state has a rich history, with a complex past and an even more complex relationship with Indigenous people. Colonization, the implementation of the mission system, and the Gold Rush have played a significant role in diminishing the Indigenous population and culture. Still, in recent years, the state has been committed to acknowledging and addressing the historical injustices impacting Indigenous people. The Golden State has a diverse population, geography, and climate and is home to 110 federally recognized tribes and an Indigenous population of over 600,000 Indigenous people (The Judicial Branch of California, 2024a; U.S. Census, 2021).

### ***Lands and Laws***

California has an undoubted history of merciless interactions with Indigenous people. Still, for the purpose of the study, it will focus on the policies with a more significant impact on tribal jurisdictional authority. Shortly after California joined the Union, the Dawes Act (1887) was passed; it divided tribal lands into individual allotments to assimilate Indigenous people. The Dawes Act (Act) resulted in the loss of significant Indigenous territory, negatively impacted communal and cultural practices,

contributed to increased economic hardships, and, more importantly, served as preparation for later termination policies.

While America further established itself as a new nation, the relationship with its Indigenous people continued to be a source of debate. In 1953, PL 280 was enacted, making California a mandatory PL 280 state (18 U.S.C § 1162, 1953). As previously mentioned, PL 280 divested federal jurisdiction to the states. PL 280 did not change tribal criminal jurisdiction for the tribes but shifted authority from the federal government to the state.

During the Termination Era, California Indigenous people were further impacted by a host of termination era statutes<sup>19</sup> the California Rancheria Termination Act of 1958 is just one of them (Rancheria Act). The Rancheria Act eliminated 41 rancherias in the state by virtue of dissolving the reservation land status; it converted the lands to fee lands subject to taxation, terminated the status of Indigenous people as Indians, and restricted any regulatory authority from tribes (Cohen, 1942/2014). Furthermore, tribal governments in California were disenfranchised, and Indigenous people lost federal recognition, services, lands, history, culture, and language (Trueblood et al., 2023).

The California tribes advocated for their innate right to self-determination. They sought to be re-established through a series of lawsuits (*Roger Smith, as Administrator of the Estate of Ellerick Smith, et al. v. United States of America, et al.*, 1978; *San Joaquin or Big Sandy Band of Indians, et al. v. James Watt, et al.*, 1983; *Tillie Hardwick, et al. v. United States of America, et al.*, 1983). Even after the terminated lands were restored, California struggled with the patchwork of trust and fee lands. This is pertinent to tribal

---

<sup>19</sup> During the Termination Era, Congress passed twelve termination bills with the goal of ending federal trust relationship (Trueblood et al. 2023).

criminal jurisdiction because any lack of clarity can result in a challenge to legal authority (*California v. Cabazon Band of Mission Indians*, 1987). Furthermore, the ambiguity of tribal matters, jurisdiction, and legal authority, and differences between prohibitory and regulatory laws, often result in litigation<sup>20</sup>.

An example of the complex trust land holdings and designations in California can be observed in the Agua Caliente Indian Reservation (Agua Caliente). Agua Caliente has been crucial for the development of Palm Springs, CA. The highly populated and sought after area is partly in tribal lands. Through the years, the reservation has been impacted by termination practices, and what once was traditional lands is a combination of ownership between reservation lands – meaning trust lands, fee lands – privately owned lands, Public Domain Allotments (PDA) – means lands allocated to tribal members through a series of legislation as the Dawes Act, and state or federally-owned lands (Cohen, 1942/2014; Land Acquisitions, 2024). Appendix G illustrates the impact of checkerboard lands in Agua Caliente. The BIA Palm Springs Regional Office manages over 1,000 commercial leases, more than 7,500 residential leases, and around 11,000 timeshares (DOI, Indian Affairs [DOI, BIA], 2018).

In California, PDA lands are managed and serviced by the BIA, PDAs are under complete state jurisdiction, and the lands are meant to be used by a tribal member or family and are considered Indian country (Indian country defined, 1948/1949). The California Indian Legal Services reported in 2020 there were about 400 allotments in the state (California Indian Legal Services [CILS], 2020). The BIA Central California

---

<sup>20</sup> If the intent of a state law is generally to prohibit certain conduct, it falls within PL 280's grant of criminal jurisdiction, but if the state law generally permits the conduct at issue, subject to regulation, it must be classified as civil/regulatory, and PL 280 does not authorize its enforcement on an Indian reservation (*California v. Cabazon Band of Mission Indians*, 1987).

Agency supports 56 tribes and 123 PDA within their jurisdiction in 42 counties; see Appendix H for a map of the BIA service area in Central California.

As complex as land holdings and designations are in California, efforts are ongoing to collaborate between state and tribal governments and to honor and empower tribal governments' inherent right to self-government.

***Law Enforcement***

California law enforcement comprises local, state, tribal, and federal agencies. The functions of law enforcement in California are challenging, given the size and population of the state. The State of California Commission for Peace Officer Standards and Training (POST) reports there are over 600 law enforcement agencies in the state (State of California, Commission on Peace Officers Standards and Training [POST], 2024). The state recently acknowledged 26 tribal governments have exercised their sovereign authority to establish law enforcement agencies (CLETS, 2023). Twenty-two of the 26 agencies have deputation agreements and are commissioned federal agents under the authority of BIA and OJS; Table 4 lists the 22 tribes with Special Law Enforcement Commission (SLEC) agreements with BIA by county in California. Under this agreement, the tribal police should be able to enforce federal and tribal law on any citizen, Indian or non-Indian, within Indian country.

**Table 4**

*SLEC Tribal Enforcement Agencies in California*

County	SLEC Tribal Enforcement Agencies
Del Norte	(1) Yurok Tribe, (2) Resighini Rancheria
El Dorado	(3) Shingle Springs Band of Miwok Indians,
Fresno	(4) Table Mountain Rancheria,

County	SLEC Tribal Enforcement Agencies
Humboldt	(5) Bear River Band, (6) Blue Lake Rancheria, (7) Hoopa Valley Tribe <sup>21</sup> ,
Inyo	(8) Bishop Paiute Tribe,
Lake	(9) Robinson Rancheria,
Mendocino	(10) Cahto Tribe of the Laytonville Rancheria, (11) Coyote Valley Indian Tribe, (12) Hopland Indian Reservation, (13) Round Valley,
Riverside	(14) Cabazon Band of Mission Indians, (15) Cahuilla Band of Mission Indians, (16) La Jolla Band of Indians, (17) Los Coyotes Band of Indians, (18) Pauma
San Diego	Band of Mission Indians, (19) Rincon Band, (20) San Pasqual Band, (21) Sycuan Band of the Kumeyaay Nation, and
Tulare	(22) Tule River.

Note. This information was not centralized, it was cross-referenced with individual counties and tribes (see Appendix I).

Conversely, the Supreme Court had already established tribes lost their authority over non-Indians when they became dependent nations of the United States (*Montana v. United States*, 1981; *Oliphant v. Suquamish Indian Tribe*, 1978; *United States v. Wheeler*, 1978). Ultimately, tribal governments could only temporarily detain non-Indians for delivery to the state and federal governments. Additionally, tribal police have the authority to stop, search, and temporarily detain non-Indian drivers traveling on a public road through Indian country (*United States v. Cooley*, 2021).

The California Statewide Feather Alert Program (Feather Alert) was established in 2022 and launched on January 1, 2023. It is a notification system similar to the Amber Alert, which provides immediate information to the public and other public safety agencies to assist in the recovery of a missing Indigenous person (Feather Alert, 2023). The Feather Alert program is operated and activated by the Department of California Highway Patrol (CHP) at the request of the primary responding law enforcement agency after a specific criterion has been met. In a recent press conference on January 24,

---

<sup>21</sup> The tribe has a collaborative agreement with Humboldt County to exercise full concurrent jurisdiction with the County.

California's Assembly Select Committee on Native American Affairs the same day, Assembly Member James C. Ramos, Chair of the Select Committee on Native Americans Affairs, and Indigenous family members and activists provided an update assessing the implementation of the program (California State Assembly [Assembly], 2024). There is gratitude for a new system to amplify the voice and needs of the Indigenous population; still, family members reported of the five Feather Alerts requested in 2023, three were declined by CHP (Assembly, 2024).

The legislation presents a significant impediment to the implementation of the five criteria mandated to be met for activation; it requires the investigative law enforcement agency to utilize local and tribal resources before submitting the request to CHP (Feather Alert, 2023). This criterion is significant because there is a lack of clarity as to implementation and an additional barrier; at times, due to the jurisdiction differences, a tribal law enforcement or public service agency might not be the investigative agency due to PL 280. Still, they are the first on the scene and should be able to report the need to activate the Feather Alert directly.

Pechanga Band Councilmember Catalina Chacon shared with the committee, "It was disheartening when we were declined..." (Assembly, 2024). Awareness of a policy's practical implication is crucial in order to ensure effective legislation and opportunities to provide safety to indigenous people are actionable and equitable. A new bill introduced in the California Assembly on February 6, 2024 (AB 2138) seeks to grant some tribal police the ability to enforce California criminal laws (California Legislature, 2024). It is essential for stakeholders to enable opportunities for tribal governments to protect Indigenous people.

**Courts**

California is a PL 280 state, meaning it has jurisdiction over all its territory, including Indian country, with the exception of regulatory laws. Still, the Judicial Branch of California has identified multiple intertribal courts and independent tribal courts serving about 40 individual tribal governments (The Judicial Branch of California, 2024a). The intertribal courts in California function similarly to circuit courts and serve diverse tribal governments. Table 5 displays the intertribal courts and the tribes served.

**Table 5**

*California Intertribal Court, Tribes Served.*

Intertribal Court	Tribes Served
Intertribal Court of Southern California (ICSC) (11)	(1) Iipay Nation of Santa Ysabel, (2) La Jolla Band of Luiseño Indians, (3) Los Coyotes Band of Cahuilla and Cupeño Indians, (4) Manzanita Band of the Kumeyaay Nation, (5) Mesa Grande Band of Mission Indians, (6) Pauma Band of Mission Indians, (7) Rincon Band of Luiseño Indians, (8) San Pasqual Band of Mission Indians, (9) Sycuan Band of Kumeyaay Nation, (10) Torres Martinez Desert Cahuilla Indians, and (11) Viejas Band of Kumeyaay Indians.
Northern California Intertribal Court System (NCICS) (3)	(1) Cahto Tribe of the Laytonville Rancheria, (2) Hopland Band of Pomo Indians, and (3) Coyote Valley Band of Pomo Indians.
Northern California Tribal Court Coalition (NCTCC) (5)	(1) Bear River Band of Rohnerville Rancheria, (2) Hoopa Valley Tribe, (3) Karuk Tribe, (4) Tolowa Dee-ni' Nation, and (5) Yurok Tribe.

Note. The data was guided by the California Judicial Branch (2024a) and cross-referenced with the individual intertribal court systems.

The ICSC functions similarly to a circuit court; judges travel their serviced reservations to resolve cases guided by each tribe’s laws, customs, and traditions. Its jurisdictional scope is individual to each tribe, Additionally, ICSC has a Memorandum of Agreement (MOA) with the All Mission Indian Housing Authority, Cahuilla Band of Mission Indians, Guidiville Band of Pomo Indians, Santa Rosa Band of Cahuilla Indians,

Soboba Band of Luiseño Indians, Tuolumne Band of Me-Wuk Indians, and Jamul Indian Villages. The ICSC also provides eviction services to the All Mission Indian Housing Authority, arbitration services, and hearings of limited appeal cases (Intertribal Court of Southern California [ICSC], n.d.).

The NCICS (2017) provides diverse judicial services to member tribes focused on community justice and culturally appropriate services based on their unique jurisdictional authority and tribal laws. The NCTCC (2022) provides diverse services to their participating tribes and is able to offer appellate judges to serve if the need for appellate services arises. The Judicial Branch of California identifies 19 individual tribal courts (see Appendix J).

Within the landscape of tribal courts, each operates under distinct laws and jurisdictional authority, including those collaborating with intertribal counterparts. This individuality results in considerable inconsistencies extending beyond the courtroom. These variations not only complicate engagement with a standardized justice system but also pose challenges for those providing services to victims of violence—be it law enforcement, attorneys, or advocates. Establishing cohesive legal frameworks becomes imperative to streamline justice processes and enhance the ability of both individuals and service providers to address these complex issues comprehensively.

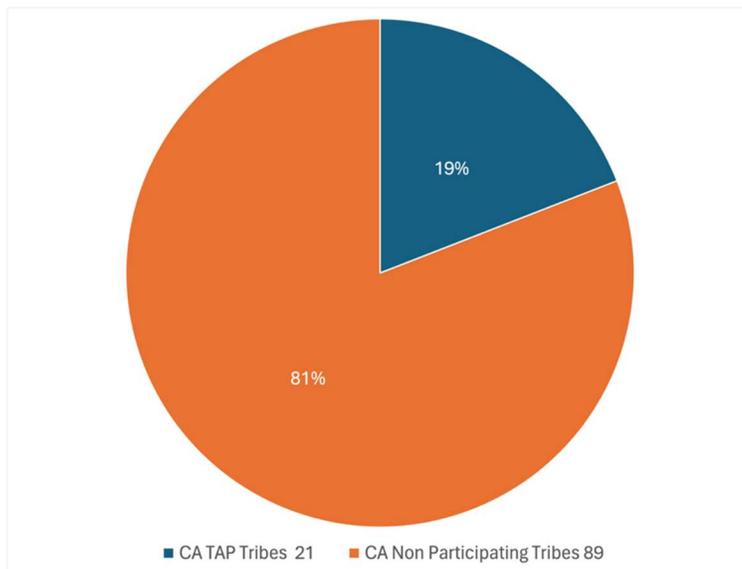
### ***Data Sharing***

Reliable and efficient data sharing is a significant issue across jurisdictions, and California is no exception. Until recently, neither California tribal law enforcement agencies nor courts had the ability to enter data into the standardized system used in

California. In 2023, the California legislature enacted Assembly Bill No 44; the bill was intended to ensure tribal law enforcement and courts have access to the California Law Enforcement Telecommunications System (CLETS) in order to foster a culture of collaboration and ensure tribes can have access to the system and share critical operational information with other law enforcement agencies (CLETS, 2023). Tribal protective orders, emergency protective orders, or restraining orders could only be shared through the Tribal Access Program (TAP), and they were visible to other agencies only through the National Crime Information Center (NCIC). The limited information shared with other agencies negatively impacts collaboration and further propagates the crisis of violence against Indigenous people.

**Figure 3**

*Tribes Participating in the TAP Program in California*



The DOJ reports (see Figure 3) there are currently 21 tribal governments in California participating in the TAPs program (Department of Justice [DOJ], 2023). Of

those 21, four were selected to participate in their continued expansion initiative, as reported on September 21, 2023 (Office of the Attorney General [DOJ OPA], 2023). The program is an initiative by the federal government to provide authorization for tribal governments to access national crime information databases, seeking to foster data exchange between agencies.

An attempt was made to replicate the search performed in NamUs with identical parameters to those in the previous case study. The search yielded one Indigenous person and one person of unknown race that were entered between October 2, 2023, and January 9, 2024. Please refer to Appendix K for the detailed search results. California implements fewer public databases. Still, the state seems to be taking actionable steps to close the bridge and foster collaboration to improve data accessibility with its recent legislative initiatives.

### **California Summary**

The California case study revealed a landscape marked by both challenges and possibilities. Evidence has found abundant resources and opportunities, presenting a promising foundation. However, the key lies in the imperative collaboration between state and tribal governments to allow and encourage tribal governments to actively seize these opportunities. Only by proactive engagement and strategic utilization of available resources tribal communities can truly harness the potential for the collective benefit of their people.

### **Non-Public Law 280**

As previously mentioned, the study focused on understanding the inconsistencies created by a patchwork of legislation and policies between PL 280 and non-PL 280

jurisdictions. Even after introducing two PL 280 jurisdictions and briefly discussing Optional PL 280 states, many states function as non-PL 280 jurisdictions. Non-PL 280 jurisdictions operate based on a convoluted array of antagonistic legislation and policies older than our Nation's Capital<sup>22</sup>. The legislative framework impacting non-PL 280 jurisdictions continues to be a source of debate, and persistent litigation for over 200 years underscores that the issue is far from being resolved and remains a highly contested and debated matter.

In non-PL 280 states, tribal jurisdictional authority is highly impacted by factors such as the perpetrator's race, the type of crime, the victim's race, and the location of the crime within or outside Indian country boundaries. In the context of Indian affairs and Federal Indian Law, the differentiation between Indian and non-Indian is not racial but a political one afforded to members of federally recognized Indian tribes (*Morton v. Mancari*, 1974). The multiple-case study concentrated in the states of Oklahoma and South Dakota as representatives of non-PL 280 jurisdictions.

## **Oklahoma**

Historically pivotal in Indigenous affairs, Oklahoma emerged as the amalgamation of Indian Territory and Oklahoma Territory, in attaining statehood (National Archives Records Administration [NARA], 2019). The Sooner state, originally home of the Southern Plains Indian Nations, became the designated homeland of the Five

---

<sup>22</sup> Washington, DC, was founded in 1790 (Library of Congress [LOC], 2020); the U.S. Constitution was written in 1787, ratified in 1788, and in operation since 1789 (National Archives Records Administration [NARA], 1789). The uncertainty surrounding how the U.S. would interact with tribes, coupled with the limited provisions pertaining to tribes in the Constitution, has fostered an environment conducive to ongoing judicial debate and evolution, concurrently giving rise to inconsistencies.

Civilized and other tribes after enduring forced removal by the United States government during the deadly journey on the Trail of Tears. Even after systemic attempts of the government to decimate Indigenous people and culture, in a recent landmark 2020 Supreme Court ruling, nearly 40% of eastern Oklahoma retains its designation as Indian country, as established in *McGirt v. Oklahoma* (2020). This legal development underscores the enduring influence of Indigenous dynamics within the state's complex historical tapestry.

### ***Lands and Laws***

Like many other states, Oklahoma was and continues to be highly impacted by legislation existing before the state joined the Union. Acknowledging the significance of the unique relationship the federal government had with its diverse territories previously to statehood was imperative to recognize the impact of policies. In advance of statehood, the United States enforced laws by implementing diverse mechanisms. Federal appointments, territorial legislations, negotiations, treaties with Indigenous people, federal courts, U.S. Marshals<sup>23</sup>, and military presence were all implemented in diverse manners depending on the needs of such territory.

The territory of present-day Oklahoma was mostly acquired as part of the Louisiana Purchase (1803); it became the place of forced settlement for the Five Civilized Tribes<sup>24</sup> after the passage of the Indian Removal Act (1830). At the same time, a series of acts enacted by Congress between 1790 and 1834 played a crucial role in the recognition of tribal territories and established restrictions between Indigenous and non-

---

<sup>23</sup> The Office of the United States Marshalls was created by The Judiciary Act of 1789 (National Archives Records Administration [NARA], 2022).

<sup>24</sup> The Five Civilized Tribes include the Cherokee, Chickasaw, Choctaw, Muscogee (Creek), and Seminole (The U.S. National Archives, 2022).

Indigenous people without federal oversight (Prucha, 1970). Previously to statehood, Oklahoma had already been impacted by countless treaties and legislation; the study focused on the most preeminent as it relates to tribal criminal jurisdictional authority.

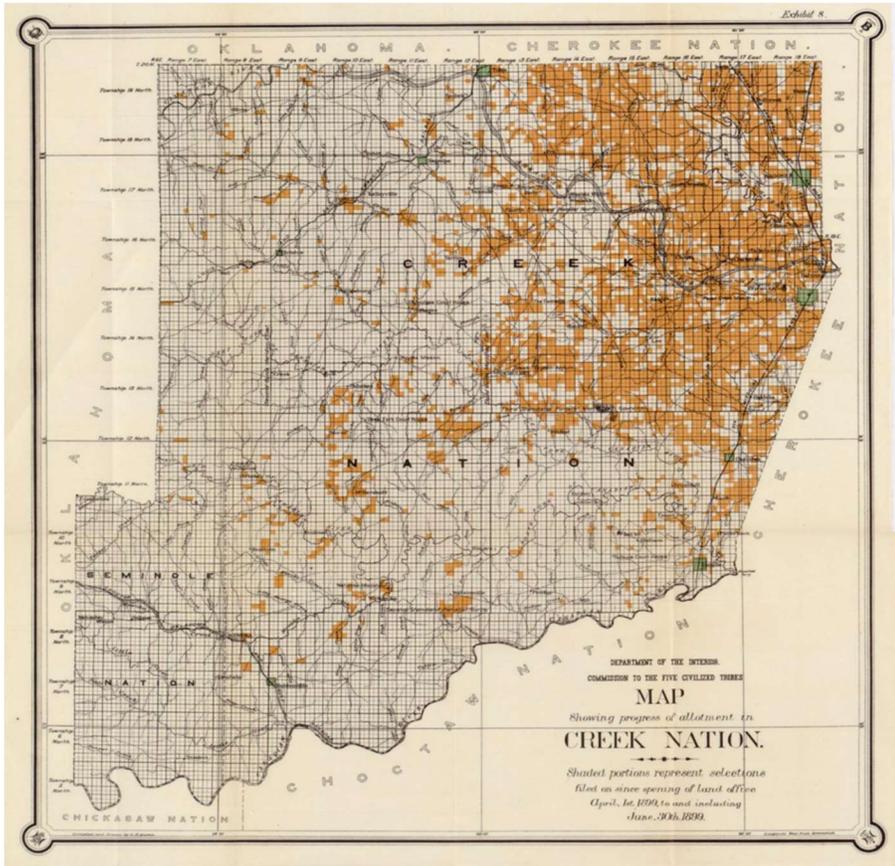
Central to the jurisdictional crisis impacting tribal governments are the General Crime Act (GCA) in 1817 and the Major Crimes Act (MCA) in 1885; they extended federal jurisdiction over specific crimes in Indian country. The divestment of authority from tribal to federal government has been a continuous source of debate over the federal infringement on tribal sovereignty and self-governance. Under the MCA (1885), offenders are subject to the federal government's jurisdiction, meaning federal law enforcement investigates the cases and are prosecuted in federal courts. Understanding how MCA impacts jurisdictional authority is crucial to examining the intricate dynamics between stakeholders. The legislation established the foundation for the convoluted patchwork of jurisdictional authority guided by the designation of Indigenous or non-Indigenous offender, Indigenous or non-Indigenous victim, type of crime, and geographical location within Indian country or not.

The Dawes Act (1887) was detrimental to Indian country and had a significant impact in Oklahoma as it sought to dismantle tribal lands into individual allotments. An 1889 amendment further impacted Indian country in Oklahoma as it permitted non-Indians to acquire surplus lands for settlement, resulting in checkerboard land ownership. The checkerboard land distribution created a pattern of ownership between Indigenous people, non-Indians, and the federal government; this medley of land ownership continues to have a significant impact on tribal criminal jurisdictional authority. Figure 4 illustrates the effect of the Dawes Act (1887) on Oklahoma land ownership and how it

created checkerboard lands. Checkerboard lands in Oklahoma are subject to jurisdiction depending on ownership.

**Figure 4**

*Allotment Map Creek Nation*



*Note. The shaded areas represent allotted areas filed between April 1<sup>st</sup>, 1899, and June 30, 1899 (Dana & United States Commission to the Five Civilized Tribes, 1899).*

The Oklahoma Territory Organic Act (1890) established Oklahoma as a territorial government in the western area of Indian territory and extended federal laws and jurisdiction into that territory; this action served as a preamble for statehood (Oklahoma, 1891). In 1898, the Curtis Act extended provisions of the Dawes Act (1887) and included the Five Civilized Tribes into the allotment system further diminishing tribal

governments and authority (Curtis Act, 1898). This action served to advance assimilation policies, it disestablished tribal courts, and the federal government assumed jurisdiction over all Indigenous matters. These apparently irrelevant events from hundreds of years ago are still central to the legal challenges impacting tribal criminal jurisdictional authority and further create confusion for public service providers and the community. As recently as 2023, the Curtis Act (1898) was inaccurately cited as legal justification when the city of Tulsa attempted to assert criminal jurisdiction over Indians in Indian country (*Hooper v. City of Tulsa*, 2023).

Oklahoma's path to statehood was controversial as it sought to combine the two territories, the Territory of Oklahoma and the Indian Territory, into one state. In 1906, the Oklahoma Enabling Act established parameters for the Indian and Oklahoma territories to develop a joint constitution acceptable to the United States (H.R. Resolution 12707, 1906). Perhaps one of the most pertinent aspects of tribal criminal jurisdictional authority, a confusing and critical condition for statehood, was the dissolution of tribal governments. This, coupled with the establishment of the State of Oklahoma in 1907 (National Archives Records Administration [NARA], 2019), left tribal communities in a state of ambiguity, residing within a legal and administrative gray area regarding their existence and governance. The uncertainty persisted until the passage of the Oklahoma Indian Welfare Act (OIWA) in 1936, which expressly provided a pathway to rebuild the tribes impacted by Oklahoma's statehood and established a more defined framework for tribal recognition and governance (OIWA, 1936).

In more recent history, the *Oliphant v. Suquamish Indian Tribe* (1978) decision resulted in a significant impact on Indian Country when the Supreme Court ruled tribal

courts do not have inherent jurisdiction over non-Indians even if a crime occurs within the boundaries of Indian country. The decision resulted in immense restrictions on tribal governments' ability to enforce the law and protect Indigenous people. As per Oliphant (1978), non-Indians who committed a crime in Indian country would be subject to state or federal jurisdiction. In Oklahoma, this was especially significant due to the vast size of Indian country; it diminished tribal sovereignty and further advanced the misconception of a lawless Indian country. Additionally, the federal government has failed to effectively provide public service resources to tribal governments; this has contributed to continued violence against Indigenous people as a result of a lack of appropriate federal action to provide equitable services to Indigenous people.

In conjunction with many contemporary legislations, the previously discussed legislation and policies continue to shape tribal criminal jurisdictional authority; its application and impact must be analyzed in individual cases. Pertinent to Oklahoma are two cases with fundamental implications in Oklahoma, the larger body of Federal Indian Law, and the rest of the country. In *McGirt v. Oklahoma* (2020), the Supreme Court affirmed the majority of eastern Oklahoma was still considered Indian country, including a large part of Tulsa. This decision was fundamental for tribal sovereignty, but still, it created bountiful uncertainty about larger implications. Furthermore, it shifted jurisdictional authority and deranged operations due to uncertainty from stakeholders in impacted jurisdictions. The perceived victorious ruling for tribal sovereignty was transient as in *Oklahoma v. Castro Huerta* (2022), the Supreme Court held the federal government and the state have concurrent jurisdiction over non-Indians who commit a crime against an Indian in Indian Country. *Castro Huerta* puts in jeopardy the established

concept of tribal sovereignty by asserting state jurisdiction over Indian country. As of January 2024, the practical impact and broader implications of these recent rulings are anecdotal and still largely unknown.

### ***Law Enforcement***

The deep analysis of the current conditions of law enforcement in Oklahoma found the discrepancies to be significant. Furthermore, an Executive Order from Governor Stitt establishing One Oklahoma Task Force (see Appendix L) confirmed the severity of the inconsistencies impacting the state (State of Oklahoma, 2023). Additionally, the rejection from The Inter-Tribal Council of the Five Civilized Tribes (see Appendix M) to collaborate with the state initiative One Oklahoma Task Force further demonstrated the fragile condition of law enforcement in Oklahoma. Moreover, Oklahoma law enforcement's distinct challenge is the aftermath of complex jurisdictional authority deriving from years of fragmentary laws combined with extensive checkerboard lands. The interaction between federal, state, tribal, and local law enforcement is highly impacted by their unique authority on a case-by-case basis.

As it pertains to the issue of tribal criminal jurisdictional authority and Indigenous people's safety and access to justice, federal law enforcement in Oklahoma plays a larger role due to the non-PL 280 distinction. The Bureau of Indian Affairs (BIA), Office of Justice Services (OJS) is responsible for providing law enforcement to tribal governments. The BIA can fulfill law enforcement services to tribes in a few manners. Table 6 briefly demonstrates how BIA implements law enforcement requirements with tribal governments and demonstrates its standard jurisdictional authority based on

affiliation; still, tribal jurisdictional authority can be impacted by an array of circumstances, and it is unique to each tribe.

**Table 6**

*Bureau of Indian Affairs Law Enforcement Services to Tribal Governments*

Agency	Affiliation	Jurisdiction
OJS Personnel	BIA employees	Federal
Tribal Police	Tribal employees	Tribal
638 compact or contract	The tribe assumes control and responsibility while receiving funding and support from BIA.	Tribal

Note. 638 compact or contract refers to the power of Indian tribes to enter into agreements with the federal government to operate programs serving their tribal members under the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA, 1975). Compacts allow block grants while contracts pay for budgeted items (BIA, OJS 2023).

The BIA OJS field operations are performed by districts. District II provides services to Kansas, Oklahoma, and Texas and it is further divided by agencies. Table 7 provides an overlook of the tribal law enforcement agencies in Oklahoma and how they provide police services. Four tribes fall under the jurisdiction of other tribes. The Alabama-Quassarte Tribal Town, Kialegee Tribal Town, and Thlopthlocco Tribal Town receive law enforcement services from the Muskogee (Creek) Nation, *Oklahoma v. Hobia* (2012). The Delaware Tribe of Indians receive law enforcement services from the Cherokee Nation (Cherokee Nation & Delaware Tribe, 2008).

Depending on the crime, the Federal Bureau of Investigation (FBI) can exercise jurisdiction in Indian country. When a major crime occurs, the FBI has the ability to exercise jurisdiction and lead the investigation or can also provide investigative services and support. The FBI is a valuable stakeholder. Recent initiatives are seeking to foster increased collaboration between the FBI and Indian country (Office of Public Affairs [DOJ OPA], 2022). Increased collaboration between tribes and their federal counterparts

is critical for Indigenous people’s safety (Indian Law & Order Commission, 2013; DOJ OPA, 2022).

**Table 7**

*Oklahoma Tribal Law Enforcement Agencies*

Tribe	Tribal PD	BIA Uniform Agency	BIA CIU Agency
Absentee-Shawnee Tribe of Indians of Oklahoma	X		
Alabama-Quassarte Tribal Town	X*		
Apache Tribe of Oklahoma		Anadarko	Anadarko
Caddo Nation of Oklahoma		Anadarko	Anadarko
Cherokee Nation	X		
Cheyenne and Arapaho Tribes of Oklahoma		Concho	Muskogee
Citizen Potawatomi Nation, Oklahoma	X		
Comanche Nation, Oklahoma	X		Anadarko
Delaware Nation, Oklahoma	X		Anadarko
Delaware Tribe of Indians	X*		
Eastern Shawnee Tribe of Oklahoma	X		
Fort Sill Apache Tribe of Oklahoma		Anadarko	Anadarko
Iowa Tribe of Oklahoma			
Kaw Nation, Oklahoma	X		Pawnee
Kialegee Tribal Town	X*		
Kickapoo Tribe of Oklahoma	X		
Kiowa Indian Tribe of Oklahoma		Anadarko	Anadarko
Miami Tribe of Oklahoma	X		
Modoc Nation		Miami	Tulsa
Otoe-Missouria Tribe of Indians, Oklahoma	X		Pawnee
Ottawa Tribe of Oklahoma		Miami	Tulsa
Pawnee Nation of Oklahoma	X		Pawnee
Peoria Tribe of Indians of Oklahoma		Miami	Tulsa
Ponca Tribe of Indians of Oklahoma	X		Pawnee
Quapaw Nation	X		
Sac & Fox Nation, Oklahoma	X		
Seneca Cayuga Nation		Miami	Tulsa
Shawnee Tribe		Miami	Tulsa
The Chickasaw Nation	X		
The Choctaw Nation of Oklahoma	X		
The Muskogee (Creek) Nation	X		
The Osage Nation	X		
The Seminole Nation of Oklahoma	X		
Thlopthlocco Tribal Town	X*		
Tonkawa Tribe of Indians of Oklahoma	X		Pawnee
United Keetoowah Band of Cherokee Indians of Oklahoma	X		
Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma		Anadarko	Anadarko
Wyandotte Nation	X		

Note. Tribal Police means law enforcement services are provided independently by the tribe or by the implementation of a 638 contract or compact with BIA. BIA Uniform refers to direct patrol services provided by BIA, and BIA CIU refers to BIA provides criminal investigation services.

\*Creek Tribal Towns (Alabama-Quassarte Tribal Town, Kialegee Tribal Town, and Thlopthlocco Tribal Town) receive law enforcement from The Muskogee (Creek) Nation *Oklahoma v. Hobia* (2012).

\*Delaware Tribe of Indians receive law enforcement from The Cherokee Nation pursuant to MOA Cherokee Nation & Delaware Tribe (2008).

In conjunction with federal law enforcement, state and tribal law enforcement also play a significant role in non-PL 280 states. Data from the Bureau of Justice Statistics revealed 456 law enforcement agencies in Oklahoma and 217 tribal police departments in the United States (Bureau of Justice Statistics [DOJ BJS], 2022). However, no comprehensive state-specific database was available for tribal police departments by state. After a comprehensive investigation of public data and individual tribes' public information, it is estimated there are 21 tribal police departments in Oklahoma. Chart 7 includes the tribal police departments in Oklahoma. Additionally, the BIA and the State of Oklahoma report the existence of hundreds of Memorandums of Understanding (MOU), Memorandums of Agreements (MOA), and Tribal-State Compacts involved in delineating pertinent authority, all with unique terms tailored to their needs and the needs of their individual communities (BIA, OJS, 2023; Oklahoma Secretary of State, 2024). In the same manner, the Office on Violence Against Women (2023) reports last year 2369 officers from Oklahoma were trained to pursue SLEC certification and be able to enforce federal law as a result of the *McGirt* decision (2020); still, it is unknown how many officers met the requirements and are currently certified. The lack of accurate information about availability of resources and manpower has significantly impact on the ability to strategically allocate resources and conduct effective operations.

In efforts to address one aspect of the disparities impacting Indigenous communities, a collaborative effort between state legislators, tribal community leaders, and family members of MMIP, Oklahoma implemented an alert system on November 1,

2023. The notification program is meant to be used for adults considered to be critically missing. Named after Cherokee Nation citizen Kasey Russell, who went missing in 2016, the initiative was highly influenced by the crises of MMIP (State of Oklahoma House of Representatives, 2023). As it is too early to analyze the impact, it is an additional tool to improve notification between agencies and the community and overall improve the efficiency of law enforcement services.

**Courts**

As a non-PL 280 state, the court system serving Indian country in Oklahoma has an additional component to the ones previously discussed, which includes the Court of Indian Offenses or CFR Courts (Code of Federal Regulations Courts); it is also called CFR Court due to having been established under the Code of Federal Regulations (Courts of Indian Offenses and Law and Order Code, 1993). From the operational perspective, the CFR Courts are trial courts functioning under a Magistrate. They receive support from BIA but are not managed by BIA. The country has five regional CFR Courts, serving tribal governments maintaining jurisdiction over Indigenous people exclusive of state jurisdiction but without an established judicial system. Table 8 lists what tribes in Oklahoma are serviced by the Southern Plains CFR Court or the Miami Agency CFR Court (DOI, n.d.).

**Table 8**

*Courts of Indian Offenses*

Southern Plains CFR Court	Miami Agency CFR Court
(1) Apache Tribe of Oklahoma, (2) Caddo Nation of Oklahoma, (3) Fort Sill Apache Tribe of Oklahoma, (4) Kiowa Indian Tribe of Oklahoma (5) Otoe-Missouria Tribe of Indians, and (6) Wichita and Affiliated Tribe of Indians.	(1) Eastern Shawnee Tribe of Oklahoma, (2) Modoc Tribe of Oklahoma, (3) Ottawa Tribe of Oklahoma (4) Peoria Tribe of Indians of Oklahoma, and (5) Seneca Cayuga Tribe of Oklahoma.

Note. Information provided by the U.S. Department of the Interior (DOI, n.d).

In addition to the CFR Courts, 22 of the 38 federally recognized tribes in Oklahoma report having a court system (Legal Aid Services of Oklahoma [OKlaw], 2024). The list of tribes receiving CFR Courts services and the number of tribes reporting they have a court system do not match due to some tribes receiving services under larger tribes, or with individual agreements. Additionally, their jurisdictional authority is contingent on diverse factors; key elements include land base or geographic area, certified law enforcement officers, qualified judges, formally trained attorneys, collaboration with external legal systems, adherence to federal law and regulations, funding, etc.

As established by VAWA (2013), some tribal governments have the opportunity to exercise expanded jurisdiction after meeting established requirements. In an attempt to combine a comprehensive list of tribal governments exercising SDVCJ or STCJ, a FOIA request was filed with the Department of Justice, Office on Violence Against Women, on December 16, 2023. As of March 2, 2024, the request has not been fulfilled, and during a phone conversation regarding the request, it was determined the DOJ does not maintain an updated list of the tribal governments exercising SDVCJ or STCJ (OVW FOIA Contact, personal communication, January 9, 2024).

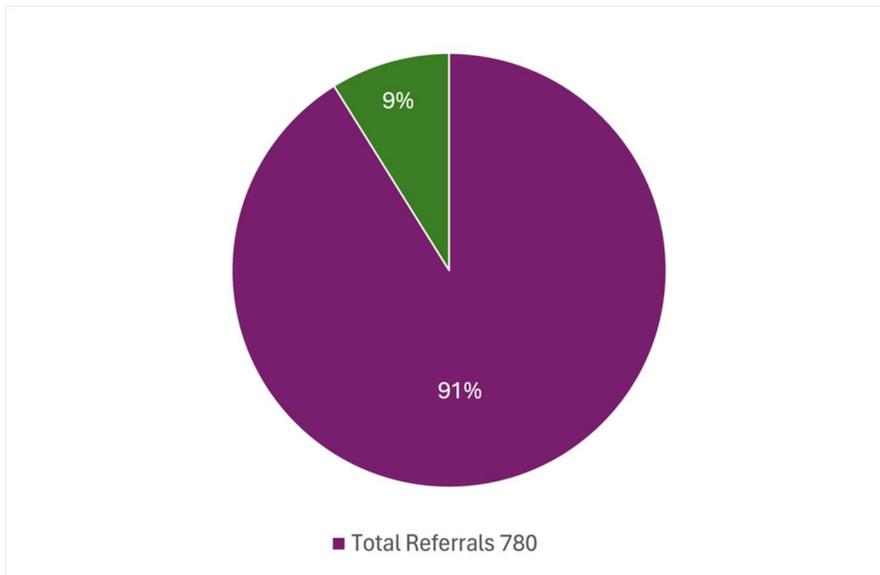
In combination with the tribal and CFR courts, the federal government maintains jurisdiction under the MCA (1885), signifying an additional stakeholder has jurisdiction dependent on the type of crime, the location of where the crime occurred, and whether the victim or the defendant is a tribal citizen or not. Federal jurisdiction is often met with apprehension due to the historically high rates at which the federal government declines

to prosecute crime in Indian country. Figure 5 represents the rates of federal declinations in Oklahoma after the McGirt (2020) decision.

The judicial system in Oklahoma is experiencing unprecedented challenges. The McGirt (2020) and Castro Huerta (2022) decisions recently resulted in incredible added challenges and complexities, further clouding jurisdictional clarity. Furthermore, neither federal, state, or tribal governments have gained the consensus of stakeholders in order to seek a collective solution.

**Figure 5**

*Oklahoma Federal Declination Post-McGirt.*



Note. Data provided post McGirt relief (Pudlo & Ellis, 2021).

***Data Sharing***

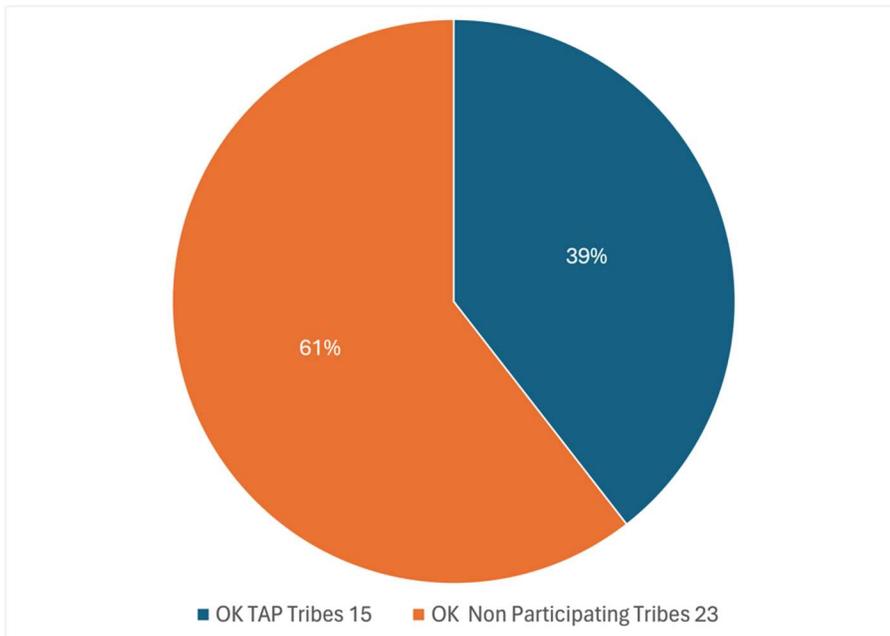
In Oklahoma, as a non-PL 280 jurisdiction, data sharing faces additional hurdles as the result of a greater number of stakeholders and agencies involved, as well as the large population of Indigenous people. Oklahoma utilizes the Offender Data Information System (ODIS), a comprehensive records management tool for law enforcement

implemented to attempt to limit duplication of records and increase data sharing integration and management between agencies. The Oklahoma Bureau of Investigations reports as of April 2023, thirteen tribal police departments have access to and participate in the program (Oklahoma State Bureau of Investigations [OSBI], 2024).

Similarly, the Office of the Attorney General reports fifteen Oklahoma tribes to participate in the TAP program (DOJ OPA, 2023). Figure 6 illustrates the percentage of tribes participating on the TAP program in Oklahoma.

**Figure 6**

*Tribes Participating in the TAP Program in Oklahoma*



The program authorizes participant tribal agencies to access national crime information databases. Still, due to state regulations, tribes can encounter barriers to accessing and entering information. Table 9 lists the Oklahoma tribes participating in the ODIS and TAP initiatives in Oklahoma.

**Table 9**

*Oklahoma Tribal Agencies ODIS and TAP Programs Participation*

Tribal Agency	ODIS	TAP
Absentee-Shawnee TPD	X	X
Cherokee Nation Marshall Service	X	X
Cheyenne and Arapaho Tribes of Oklahoma (social services)		X
Citizen Potawatomi Nation TPD	X	
Comanche Nation Law Enforcement		X
Eastern Shawnee TPD	X	
Fort Oakland TPD (Tonkawa Tribe)	X	
Iowa Nation TPD	X	X
Kaw Nation TPD		
Kickapoo TPD	X	
Miami Nation TPD	X	X
Otoe-Missouria TPD	X	X
Pawnee Nation PD		
Ponca Tribe of Indians of Oklahoma Community-Oriented Policing		
Quapaw Nation Marshals		X
Sac & Fox Nation TPD	X	
The Chickasaw Lighthorse PD		X
The Choctaw Nation of Oklahoma		X
The Muskogee (Creek) Nation Lighthorse TPD		X
The Osage Nation TPD	X	X
The Seminole Nation Lighthorse TPD	X	X
United Keetoowah Band of Cherokee Indians of Oklahoma Lighthorse Police	X	X
Wyandotte Nation TPD		X

Note. Tribal participation was reported by the Oklahoma Bureau of Investigations (OSBI, 2024) and the DOJ (DOJ OPA, 2023) for each respective program.

In an effort to replicate the previous search on PL-280 jurisdictions, the same parameters were used, and a search through NamUs was conducted between the dates of October 2, 2023, and January 9, 2024. The search yielded reports of seven missing Indigenous people during that time (see Appendix N). Unfortunately, other Oklahoma databases do not have access public access. As a result, it is not possible to compare data sources. On January 19, 2024, a FOIA request was submitted to the BIA MMU

requesting the total count of MMIP in the four states included in the multiple-case study.

The BIA confirmed receipt of the FOIA request but did not complete it. Attempts to contact the agency for an update were unsuccessful. Still, the efforts to receive the records are ongoing.

### **Oklahoma Summary**

The Oklahoma analysis found a tangled web of authority, as well as the complex source of that authority creates operational barriers for Indian country and the communities of Oklahoma. The inconsistencies raised concerns about officer safety due to unclear boundaries, roles, and responsibilities. Furthermore, the lack of standardization and uniformity in how agencies interact presents incredible barriers to accessing accurate information. The information gap continues to disproportionately impact Indigenous communities and becomes a significant barrier to effective public service and tribal governance.

### **South Dakota**

South Dakota is a state steeped in history and complexity. Its narrative is intertwined with a profound connection to Indigenous communities, shaped by the horrors of colonization, treaties, and the tumultuous events of the past. From the displacement caused by westward expansion to contemporary struggles, the state's Indigenous population has faced significant challenges. Recognizing this, South Dakota stands at a crossroads, acknowledging historical injustices while grappling with contemporary issues. The state is home to nine federally recognized tribes (List Act, 1994), each contributing to the rich cultural landscape of South Dakota. With a diverse

population and monumental geographical features, South Dakota's history continues to unfold against the backdrop of its Indian Country.

### *Lands and Laws*

Similar to Oklahoma, the Dakota Territory was acquired through the Louisiana Purchase (1803), and since then, it has been considered an Indian country district. Following the Civil War, and after a brief period of peace during a failed attempt to achieve consensus with the Treaty of Fort Laramie in 1851 (Prucha, 2000, p. 84), the United States government again negotiated with the Sioux and allies the Fort Laramie Treaty of 1868 (Prucha, 2000, p. 109). The Fort Laramie treaties are critical because they formally recognized and established the Great Sioux Reservation<sup>25</sup>, including the sacred Black Hills, and acknowledged the inherent right of the Sioux to self-governance.

By the year 1874, the United States government had broken the treaty, and in 1876, General Custer led an attack on a sizeable Indigenous encampment along the Little Bighorn River. Custer found a combined force of Lakota Sioux, Cheyenne, and Arapaho warriors led by Sitting Bull and Crazy Horse, who delivered a decisive victory on what would become “Custer’s Last Stand” (Henretta et al., 2012). The massive triumph came with increased violence and revenge in the form of U.S. policy. In 1877, the United States confiscated the Black Hills and increased efforts for the military to forcibly relocate Indigenous Plains people to reservations (Mannypenny Commission Agreement, 1877). Sitting Bull eventually surrendered in 1881, and the surviving Lakota were confined to reservations (Walker, 1881). All these historical events are relevant because the contention over land ownership of the Black Hills continues to be a forceful legal

---

<sup>25</sup> The Great Sioux Nation or Očhéthi Šakówiŋ, meaning the “Seven Council Fires,” collectively is made up of seven groups, further identified as Dakota, Nakota, and Lakota, depending on the dialect spoken.

dispute between the Sioux Nation and the federal government (*United States v Sioux Nation of Indians, et al.*, 1980).

The Dakota Territory division formed the states of North and South Dakota in 1889 (Enabling Act of 1889, 1889). There are nine federally recognized tribes in South Dakota (Annual List of Federally Recognized Tribes, 2024); they all predate statehood. With statehood, further encroachment on reservations and Indigenous people followed. The Dawes Act (1887) significantly impacted diverse regions; historical, economic, geographical, and cultural factors influenced its effectiveness. Still, South Dakota was severely affected by it. In 1889, Congress reduced the Great Sioux reservation into six smaller reservations (United States Office of Indian Affairs, 1889/2018).

Public Law 280 (1953) included mandatory states with the possibility of additional states assuming jurisdiction. In 1957 South Dakota legislation unsuccessfully attempted to assume civil and criminal jurisdiction over Indian country (SDCL, 1985). Additional attempts for partial jurisdictional authority from the state also failed. The last attempt to assert PL 280 came in 1964 via referendum, which was largely opposed (see Figure 7).

In 1968, the ICRA would require any additional state assertion of PL 280 to be approved by tribal referendum (ICRA, 1968). Despite this, in 1986, the State assumed jurisdiction on highways in Indian country for Indians and non-Indians alike; after litigation, the state's authority was ultimately overturned on appeal (*Rosebud Sioux Tribe v. State of S.D.*, 1989/1990). Historical events uniquely shaped the intricate interplay of federal policies on Indigenous matters in South Dakota. This complex history has given rise to a web of conflicting laws and policies, creating a lasting impact on the region.

**Figure 7**

*South Dakota 1964 Indian Country Jurisdiction Referendum Vote*

Year	Subject*	Yes	No	% Yes	Total Votes	Vote Level**
1962	C. Taking private property for public use	99,119	97,456	50.42	196,575	71.69
1962	C. Annual legislative session	101,548	88,118	53.54	189,666	74.05
1962	C. Home rule for municipalities	95,737	87,888	52.14	183,625	71.69
1964	C. Amendment notification	117,317	123,504	48.72	240,821	82.88
1964	C. County offices	120,998	118,973	50.42	239,971	82.59
1964	C. Property classification	98,454	132,235	42.68	230,689	79.39
1964	R. Indian jurisdiction	58,289	201,389	22.45	259,678	89.37
1964	R. Unemployment compensation	107,515	132,296	44.88	239,811	82.53
1964	R. Voter registration	98,544	140,199	41.28	238,743	82.16
1966	C. Reclassifying farm property	92,235	87,833	51.22	180,068	78.90
1966	C. Allowing counties to eliminate county superintendent	101,090	78,499	56.29	179,589	78.69
1966	C. Changing county court systems	105,554	69,391	60.34	174,945	76.66
1968	C. School land sales	110,327	118,202	48.28	228,529	82.53
1968	C. Building authority/debt limit	80,670	138,153	36.87	218,823	79.02
1968	C. Powers of retired judges	109,065	113,398	49.03	222,463	80.34
1968	C. Reinvestment of school funds	116,403	101,684	53.37	218,087	78.76
1968	C. Appointive Superintendent of Public Instruction	72,514	148,618	32.79	221,132	79.86
1968	R. Abstain from daylight time	108,712	158,637	40.66	267,349	96.55
1968	R. School district reorganization	120,336	118,631	50.36	238,967	86.30

\*"C" indicates a proposed constitutional amendment, "I" an initiated measure, and "R" a referred measure.

\*\*The vote level for each measure is the ratio of the total votes cast to the number of votes cast in the concurrent gubernatorial election.

Sources: *South Dakota Session Laws*, editions of 1889 through 1968; *South Dakota Legislative Manual*, editions of 1895 through 1967; Francis Neal Sever, "Amending the South Dakota Constitution," unpublished bachelor's thesis, University of South Dakota, 1951; and Douglas A. Leafstedt, "Statistical Analysis of Elections Concerning Constitutional Amendments and Initiated and Referred Laws in South Dakota, 1889-1960," unpublished seminar paper, University of South Dakota, 1962.

42 SOUTH DAKOTA POLITICAL ALMANAC

Note. Figure from the South Dakota Political Almanac (SDCL, 1985).

***Law Enforcement***

The Bureau of Justice Statistics reported South Dakota has 145 law enforcement agencies (DOJ BJS, 2022). The nine federally recognized tribes in South Dakota have a law enforcement agency. The tribal governments either operate independent police departments or have entered a 638 contract or compact with BIA to receive funding while they run their police department. One of the central differences between BIA and tribal

law enforcement is their jurisdictional authority. BIA law enforcement agents function under federal authority, either in a uniformed or investigative role. In contrast, tribal police officers function with limited authority under the general rules of Indian country jurisdiction and by established laws, agreements, or compacts individual to each tribe. Table 10 lists the South Dakota tribal law enforcement agencies based on the type of employment or agency affiliation.

**Table 10**

*South Dakota Tribal Law Enforcement Agencies*

Tribe	BIA	Tribal
Cheyenne River Sioux Tribe		X
Crow Creek Sioux Tribe	X	
Flandreau Santee Sioux Tribe		X
Lower Brule Sioux Tribe	X	
Oglala Sioux Tribe		X
Rosebud Sioux Tribe		X
Sisseton Wahpeton Oyate		X
Standing Rock Sioux Tribe	X	
Yankton Sioux Tribe		X

BIA OJS District I, located in Aberdeen, SD, is responsible for providing diverse services to South Dakota, North Dakota, and Nebraska (Department of the Interior [DOI], n.d.). BIA provides direct law enforcement services to the Crow Creek Sioux Tribe, Lower Brule Tribe, and Standing Rock Sioux Tribe. BIA provides both uniform patrol and criminal investigative services to each tribe. As federal officers and agents, these law enforcement professionals have the authority to enforce laws regardless of the offenders’ Indian or non-Indian status.

The law enforcement crisis in Indian country only worsens the jurisdictional inconsistencies impacting Indigenous people. The Oglala Sioux President declared a state

of emergency on November 18, 2023, “due to a breakdown of law and order” on the Pine Ridge Reservation (see Appendix O). The Crow Creek Sioux Tribe issued a Public Safety State of Emergency declaration on July 2, 2023 (see Appendix P). Additionally, the Oglala Sioux has once more taken legal action against the United States government for failure to honor their treaty obligations and trust responsibilities by failing to provide adequate law enforcement at Pine Ridge Reservation (*Oglala Sioux Tribe v. United States of America*, 2024).

In an attempt from South Dakota legislators and with the support of tribal advocates, the South Dakota House Concurrent Resolution 6011 passed on February 22, 2024. It urged BIA to establish a law enforcement training academy in South Dakota. The Resolution will be transmitted to the Secretary of the Interior to communicate the commitment and need to improve law enforcement and clearly express the goal of fostering stronger partnerships between state and tribal governments to more effectively protect Indigenous communities and the overall population of South Dakota (HCR 6011, 2024).

### ***Courts***

As already established, South Dakota is a non-Public Law 280 state. Federal courts have jurisdiction in South Dakota Indian country over criminal cases involving Indian perpetrators or victims or victimless crimes perpetrated by a non-Indian (General Crimes Act, 1817; Major Crimes Act, 1885). Tribal courts have concurrent jurisdiction in criminal cases involving Indian perpetrators and exclusive jurisdiction in cases involving Indian perpetrators for crimes not covered by the GCA (1817) or the MCA(1885). Tribal courts, except those exercising SCDVJ or STCJ, do not have jurisdiction over non-

Indians. South Dakota state courts have jurisdiction over criminal cases involving both a non-Indian perpetrator and non-Indian victim (*United States v. McBratney*, 1881).

All nine federally recognized tribes in South Dakota have a court system. As a non-PL 280 jurisdiction, the tribes exercise civil and criminal jurisdiction over Indigenous people within Indian country. The Sisseton Wahpeton Oyate Tribal Court reports since 2015, they have exercised SDVCJ under the VAWA Reauthorization of 2013 (SWO. Codes of Law. Resolution No. SWO-15-018, 2015). Additionally, the United States Attorney's Office District of South Dakota reported Standing Rock Sioux Tribe also exercise SDVCJ (United States Attorney's Office District of South Dakota [USAO SD], 2021).

SDVCJ enables the Sisseton Wahpeton Oyate Tribal Court and Standing Rock Tribal Court to exercise jurisdiction over non-Indian offenders when the victim is Indigenous. SDVCJ has limitations on the type of cases it can be exercised; it includes cases alleging child violence, domestic violence, stalking, sex trafficking, and other related crimes on their reservation (VAWA, 1994/2013). The VAWA Reauthorization Act (2022) expanded the types of crime on which a tribe with expanded jurisdiction can exercise this jurisdictional authority.

The crises of violence impacting Indian Country does not escape South Dakota. It is reported Indian Country offenses comprise more than 50% of the caseload for the United States Attorney's Office for the District of South Dakota (USAO SD, 2021). As a result, the United States Attorney for South Dakota has implemented a community prosecution strategy for improving public safety in the state's tribal communities. The plan includes government-to-government consultations with Tribal leaders, monthly law

enforcement coordination meetings, tribal town hall meetings and trainings, and technology collaboration. Most importantly, the strategy provides for a designated Tribal liaison and assigning an Assistant United States Attorney to each reservation in the state to promote continuity (USAO SD, 2021).

### ***Data Sharing***

South Dakota law enforcement agencies utilize the South Dakota Law Enforcement Telecommunications System (SD LETS), which interfaces with NLETS intending to provide efficient communication for public service providers (South Dakota Department of Public Safety [SD DPS], 2023). As of September 2023, all federally recognized tribes in South Dakota, with the exception of the Crow Creek Sioux Tribe, participate in the TAP program (DOJ OPA, 2023). Prior to the implementation of the TAP program in 2015, South Dakota tribes were only able to access national crime information systems through the state at their discretion. These systems, which include the National Crime Information Center (NCIC), Next Generation Identification (NGI), National Data Exchange (N-DEx), National Instant Criminal Background Check System (NICS), Law Enforcement Enterprise Portal (LEEP), and NLETS, are vital law enforcement information sharing networks.

A recurring issue found was inconsistencies in data sharing. The South Dakota Office of the Attorney General highlighted in the South Dakota Crime Report (2023) fundamental flaws exist with the reported data due to the manner in which the data is collected and limitations on data collection from tribal governments. Tribal governments report crime data directly to the FBI; consequentially, it is not included in the state crime report. Additionally, data is constantly fluctuating due to the nature of public service

operations. In order to seek to provide a comprehensive illustration of the issue, Appendix Q presents the list of murdered Indigenous persons in South Dakota Indian country (South Dakota Attorney General [SDAG], 2024).

In order to reproduce the same inquiry of the data, a search was conducted on the SD Missing Persons Clearinghouse database, utilizing the same parameters and dates as in previous cases, from October 2, 2023, to January 9, 2024. The search resulted in a report of 11 AI/AN missing people. Like in previous cases, the exact search was conducted on NamUs, utilizing the same parameters; it resulted in one case not being included in the SD Missing Persons Clearinghouse. The exploration of the available data signals the lack of consistency hinders efforts to effectively bring missing Indigenous people home.

### **South Dakota Summary**

The South Dakota case study found, stakeholders demonstrate a lack of collaboration, hindering effective solutions. The federal government's actions have been deemed ineffective (Department of Justice, 2021; U.S. Commission on Civil Rights, 2018). Dangerously low law enforcement numbers exacerbate the issue of violence against Indigenous people, emphasizing the urgent need for comprehensive intervention strategies. Just as important, there must be recognized the socio-economic challenges faced by tribal communities compound the issues. Marginalization further exacerbates the vulnerability of these communities. Despite some stakeholders expressing interest in improvement, the complexity of the problems underscores the necessity for a collective and comprehensive effort to holistically address disparities and enhance the well-being of the Indigenous populations.

### **Experts Interviews Findings**

This section was curated from the cooperative insight from the semi-structured interviews conducted. The interviews included ten seasoned attorneys, seven males and three females, six Indigenous and four non-Indians (see Appendix R). The interviews were designed to elicit nuanced perspectives, not only to shed light on the intricacy of the issue but also to reveal a depth of understanding. The semi-structured nature of these conversations proved instrumental, allowing experts to organically introduce additional issues, alternatives, and perspectives for consideration. The opportunity to navigate through their collective expertise uncovered a generous understanding of the legal landscape, practical implications, and historical and cultural contexts, providing valuable layers contributing to a more holistic comprehension of the issue and proposed solutions.

The central aspects guiding the research were pivotal in demonstrating the magnitude of the problem; furthermore, focusing on Lands and Laws, Law Enforcement, Courts, and Data Sharing provided established parameters to maintain the scope of the research while exploring a massive issue. However, the interviews discovered four unique overarching themes deeply interwoven with the problem and the central aspects of the study, resulting in a distinct perspective.

The interviews resulted in the following themes: Humanity, Public Perception, Fellowship, and Resources. The themes are briefly discussed and further introduced in the cross-case-analysis and the recommendations sections due to the benefit of contextualization of data to function as a critical framework, fostering a deeper understanding and transcending siloed information. The decision for this integration with

the greater context of the study enhances interpretability and greatly contributes to the generation of meaningful knowledge.

To further substantiate the data-sharing approach, see Figure 8, which includes the top 49 emerging categories from the interviews. The representation is critical to enhance the appreciation of context.

**Figure 8**

*Experts' Interviews Patchwork of Emerging Categories*



Note. The emerging categories in descending order included: (1) tribal, (2) Indian, (3) people, (4) tribe, (5) Indigenous, (6) Native, (7) right, (8) enforcement, (9) federal, (10) jurisdiction, (11) community, (12) American, (13) reservation, (14) challenge, (15) government, (16) criminal, (17) solution, (18) problem, (19) country, (20) murder, (21) resource, (22) impact, (23) experience, (24) state, (25) jurisdictional, (26) importance, (27) violence, (28) change, (29) Congress, (30) court, (31) crime, (32) sovereignty, (33) authority, (34) perspective, (35) responsibility, (36) commit, (37) conversation, (38) national, (39) understand, (40) interest, (41) justice, (42) discussion, (43) individual, (44) cultural, (45) relationship, (46) education, (47) inconsistency, (48) attention, and (49) information.

**Humanity**

The predicament of Indigenous people in the face of insufficient jurisdictional and violence is deeply ingrained in historical neglect and systemic mistreatment. The ongoing oversight of Indigenous rights and the imposition of racial judgment on tribal members highlights the long-standing issue tracked back to our country's founding. The historical neglect, coupled with a lack of resources and poor treatment, has contributed to a profound sense of learned helplessness within Native American communities (Expert 1, 2024).

Additionally, calls for policy change honoring Indigenous humanity emphasized the urgent need for a significant shift in governmental focus, and the need for inclusive policy making "...policy change venerating Indigenous humanity" (Expert 2, 2024). The current insufficient approach focuses on superficial measures and task forces and fails to address the underlying human rights protections required on reservations (Expert 2, 2024; Expert 8, 2024; Expert 10, 2024). All experts agreed and advocated for a holistic strategy when dealing with Indigenous issues, including a comprehensive approach considering culture and traditional influences in criminal jurisdictional matters. However, Expert 5, Expert 7, and Expert 8 voiced concerns about an inescapable lack of caring and concern in Indigenous communities, coupled with a culture of acceptance of domestic violence presents a significant challenge. There is an obligation to recognize the vital role of culture in fostering a genuine change and for the rights and humanity of Indigenous people.

**Public Perception**

Indigenous people, as mentioned by various experts, continue to face systemic challenges, often reflected in their treatment: “We [Indians] are often treated as secondhand citizens” (Expert 1, 2024), “...often questioned if I am Indian enough, I don’t look like an Indian... not Indigenous enough for Native people but too Indigenous for non-Indians” (Expert 8, 2024).

There was consensus about the common lack of trust and the root causes of many issues, such as racial bias and the utter disregard for tribal sovereignty, highlights the urgent need for a shift in the perception of Indigenous identity and political designation. Additionally, “the absence of incentives, be they financial or political, hinders the necessary attention from Congress, courts, and other entities toward Indigenous humanity” (Expert 2, 2024). Similarly, Expert 6 stated “the lack of caring and concern is further compounded by discriminatory treatment, particularly in law enforcement and judicial matters. Experts further emphasize the necessity of fostering respect and understanding for diverse Indigenous communities to address the current disparities.

Additionally, efforts to positively impact public opinion necessitate addressing issues as the result of marginalization and the limited online presence of Native Americans (Expert 5, 2024). Advocates stress the immediate need for humanizing Indigenous individuals and developing enforceable civil rights mechanisms. However, the invisibility and frequent misrepresentation of Indigenous people continue to be a significant challenge, highlighting that sole cultural representation is insufficient to bring awareness to the crisis (Expert 7).

**Fellowship**

In order to address Indigenous issues, it is essential to overcome challenges influenced by a long history of lack of cooperation and communication between tribes, states, and the federal government. Experts stressed the necessity of finding common ground in order to treat tribes as sovereign entities deserving of full faith and credit. Establishing trust with local officials and fostering collaboration between states and tribes is crucial for effective governance.

The role of relationships, both personal and advocacy-oriented, play pivotal roles in promoting diversity and understanding (Wassenaar & Pearce, 2018). Acknowledging the inherent mistrust between Indigenous communities and authorities is essential; in the same manner, "... [mistrust] must be recognized as a factor contributing to underreporting" (Expert 7, 2024). Addressing this issue will require a versatile transformation of power dynamics. The power of inclusivity is highlighted as a mean to bridge gaps and foster a shared approach to leadership, "... [leadership must be] equal and balanced enough to embrace fellowship, that is how we move forward if you want to achieve long-term success dealing with Indigenous issues" (Expert 10, 2024). "Indigenous people deserve a seat at the table as equal partners, after all we [Indigenous] are the third sovereigns" (Expert 8, 2024), referring to Supreme Court Justice Sandra Day O'Connor pivotal remarks in the 90s (O'Connor, 2013), and further highlighting the significance of her perspective in shaping the modern understanding of tribal sovereignty. Emphasizing the importance of personal relationships and awareness highlights the need for a holistic approach, one that considers cultural nuances and builds on a collaborative effort to embrace sustainable change.

## Resources

Tribal jurisdiction and its impact on violence involves navigating numerous operational challenges. Tribal courts face barriers to prosecuting crimes committed by non-Indians on reservations. Current legislation, exemplified by The Savannas Act and the Tribal Law and Order Act of 2010, were acknowledged as well-intentioned in nature but criticized due to inappropriate implementation procedures “[legislation] often fail to consider the adequate funding for effective implementation.” (Expert 1, 2024). The complexity of the issue spans generations and requires a comprehensive long-term approach “... not only a Native American month, [Indigenous people and problems] exist longer than a month” (Expert 8, 2024).

Experts also emphasized the need for increased education and empowerment, particularly for those providing services to Indigenous communities “... everyone could benefit from education, even judges” (Expert 6, 2024). While also recognizing the need for tribes to take responsibility, there is a call for tribes to “lead in problem-solving, as tribes they are the best suited to understand and locally address the challenges of their people” (Expert 4, 2024).

Challenges as lack of reporting, lack of coordinated response further complicate the efforts to address jurisdiction issues and combat violence. Regarding the solutions, some experts expressed the solution must be structured enough to provide guidance but flexible enough to be malleable to the unique tribe’s needs. There was consensus on the need to acknowledge all 574 tribes are unique, independent, sovereign nations and will need unique solutions. Others suggested that by focusing on the overall wellbeing of Indian country and improve living conditions, it will have a positive impact on the

violence. Ultimately, some called for Congressional action to ensure tribal governments are treated as sovereigns with full faith and credit and are unrestrained to exercise all the power of a sovereign to include enforcing the laws equally for anyone.

To ensure confidentiality, given the small number of attorneys working in this area, only the collective major themes uncovered in the expert interviews were shared. A versus analysis further highlighted the existing power imbalances between tribal governments and other stakeholders, adding depth to our exploration. Figure 9 illustrate the central aspects of power imbalance are ramification of incompatible principles between Tribal vs Federal government.

Additionally, the inclusion of participants' voices serves to enriches understanding, offering vital contextual insights throughout the document. Their perspectives, seamlessly integrated where pertinent, strengthen the credibility of our findings. Notably, the proposed solution outlined in this study is a product of careful guidance, drawing upon the collective knowledge of the generous Experts.

**Figure 9**

*Incompatible Principles Impacting Power Imbalance*



### **Cross Case Analysis**

The cross-case analysis focuses on the intricate dynamics of tribal criminal jurisdictional authority. It draws insights from the four cases bounded by jurisdictional authority within and outside of PL 280 states. The examination was guided by the major themes, including lands and laws, law enforcement, court systems, and data sharing. Focused on juxtaposing nuances within the PL 280 and non-PL 280 contexts, the study sought to untangle the complexities underpinning tribal criminal jurisdictional authority and the practical implications across diverse dimensions of governance and justice.

The individual case studies provided a comprehensive yet constrained perspective of the myriad of issues affecting tribal criminal jurisdictional authority. The immense overlay of differing legal perspectives and their ramifications proved challenging to adhere to the scope of the research. Still, a great attempt was made to share pertinent legislation and policy in a manner that provided sufficient background and substantiated findings while ensuring ease of comprehension and providing insight into larger implications.

The cross-case analysis utilizes the state's abbreviation to refer to the individual state case study: Alaska (AK), California (CA), Oklahoma (OK), and South Dakota (SD), respectively. Additionally, the synthesis and analysis are presented utilizing the major sections used to guide individual cases while strategically incorporating the Expert's insights.

### **Land and Laws**

Underpinning Indigenous issues in the United States are countless broken treaties. The individual case studies found the manner in which each territory solicited statehood

was as crucial as the contextual historical relationship with the United States. Furthermore, recognizing the broader perspective helps provide a more multifaceted understanding of the events. Seeking understanding is essential to holistically examine the root of the issue and propose actionable alternatives. Still, seeking a deeper understanding does not constitute justification for the events in question.

Among the four case studies, CA was the first to become a state in 1850 (LOC, 2019). Indigenous people, at this point, had already endured the abuse of Europeans and the constraints of forced religious assimilation of the California Missions (Slagle, 1989). The General Crimes Act (1817) had already been enacted and extended federal jurisdiction to crimes committed by an Indigenous person. As part of The Compromise of 1850, the free state, with a large Indigenous population, collided with the Gold Rush and served as a prelude to the Civil War. The CA study found federal overreach over indigenous people was deeply ingrained in California history and continues to be articulated as a reason for the lack of trust and collaboration with federal counterparts.

South Dakota and Oklahoma were both acquired as part of the Louisiana Purchase (1803); this aspect was significant because, under the agreement, the United States was committed to honoring the existing treaties made by France with Indigenous people (Louisiana Purchase Treaty, 1803). South Dakota joined the Union in 1889 as a result of the division of territory to create two different states (Enabling Act of 1889, 1889); while Oklahoma in 1907 merged two territories to create one state (NARA, 2019). Upon further examination SD and OK both encountered similarities through the process of becoming states. For the largely Indian territories, statehood meant disenfranchising tribal governments, ruptured promises, undermined agreements, land seized, broken treaties,

and extraordinary violence. Today, these events are largely responsible for the lack of trust embedded in Indian country (Expert 1, 2024; Expert 3, 2024; Expert 8, 2024; Expert 10, 2024).

Lastly, when the territory of Alaska joined the Union in 1958 (Alaska Statehood Act, 1958), the United States had already amassed enough experience to systematically weaken tribal governments as a condition for statehood. While acknowledging the severe violence experienced by Indigenous people in Alaska, it is also crucial to recognize the state grapples with a distinct form of adversity. The extensive Indigenous population, tragically, remains consistently marginalized by federal policies and often overlooked by the broader 48. Furthermore, the study found it critical to highlight the singularity of Alaska aside from being a PL 280 state. The lack of action and delayed recognition of Alaskan villages and corporations qualifying as Indian country has led to decades of unequal treatment as compared to tribal governments in the rest of the country. The Not Invisible Act Commission (2023) once more reported on how the state is largely marginalized and Indigenous people are in a dire situation.

Upon detailed examination of the intricate history, laws, and policies impacting tribal criminal jurisdictional authority, it recognized the Major Crimes Act (1885), Public Law 280 (1953), the Indian Civil Rights Act (1968), and *Oliphant v Suquamish Indian Tribe* (1978) play significant roles in the issue of violence against Indigenous people. Undoubtedly, the mentioned laws and policies are not the only ones impacting the issue or have a siloed impact on the issue; for the most part, they are, in intricate ways, associated with many other laws, policies, and procedures impacting criminal jurisdictional authority.

The first characteristic considered when analyzing tribal criminal jurisdictional authority was the differentiation between PL 280 states and non-PL 280. Table 11 illustrates PL 280 jurisdictional authority and Table 12 illustrates non-PL 280 jurisdictional authority. As this is the most standard manner of illustrating the criminal jurisdictional authority, it is not absolute. As previously mentioned, tribal criminal jurisdictional authority could be established through an array of manners, and it is contingent on diverse agreements with nontribal authorities and tribal capacities. Additionally, the MCA(1885) creates a further distinction to consider as to the type of crime when an Indigenous offender and victims are involved.

**Table 11**

*Public Law 280 Jurisdictional Authority*

Indian Offender			Non-Indian Offender		
Indian Victim	Non-Indian Victim	No Victim	Indian Victim	Non-Indian Victim	No Victim
State Tribal	State Tribal	Tribal	State	State	State

**Table 12**

*Non-PL 280 Jurisdictional Authority*

Indian Offender					Non-Indian Offender		
Indian Victim		Non-Indian Victim		No Victim	Indian Victim	Non-Indian Victim	No Victim
Non-MCA	MCA	Non MCA	MCA	Tribal	Federal	State	State
Tribal	Federal Tribal	Federal Tribal	Federal				

Alternatively, tribes exercising SDVCJ or STCJ have concurrent jurisdiction over non-Indians with the state and federal governments (VAWA 2021-2022, 2022). Alaska was excluded from the possibility to exercise SDVCJ until the most recent VAWA Reauthorization (2022). Table 13 lists the tribal governments exercising expanded jurisdiction in OK and SD as of 2018.

**Table 13**

*Tribal Governments Exercising Expanded Criminal Jurisdiction*

Case	Tribe	Exercising SDVCJ since
SD	Sisseton Wahpeton Oyate	2015
OK	The Choctaw Nation of Oklahoma	2015
OK	The Seminole Nation of Oklahoma	2015
OK	Sac & Fox Nation	2016
OK	Kickapoo Tribe of Oklahoma	2016
OK	The Muscogee (Creek) Nation	2016
SD	Standing Rock Sioux Tribe	2016
OK	The Cherokee Nation	2018

Note. Data from the National Congress for American Indians (2018).

These differences created under PL 280 have an immense impact on tribes' ability to exercise their inherent sovereignty and self-government, maintain tribal members' safety, and enforce the law in Indian country. Furthermore, the inconsistencies on how tribes can expand their jurisdiction or how nontribal governments can create additional barriers exponentially complicate the ability of tribal members to access justice services in the same equitable manner as non-Indians.

Additionally, it is important to also emphasize Table 10 and Table 11 are not exhaustive and only present the most accepted framework in a simple manner. One

important distinction is the one found in Table 13, which focuses on unique situations only applicable to Indigenous people. Regardless of whether it’s a PL 280 or a non-PL 280 jurisdiction, if a crime occurs in Indian country and it was committed by a tribal member, depending on the crime, charges can be brought by the federal government, by the state, and/or by the tribe.

The difference arises from the already mentioned distinctions between the United States Constitution and the Indian Civil Rights Act (1968). The Fifth Amendment affords people protections during legal proceedings, among them there is the prohibition of “double jeopardy” or being tried for the same crime more than once. The ICRA (1968) does include safeguards, it does not afford the same protection as the Fifth Amendment as it allows for tribal governments to maintain a significant degree of autonomy on how they handle legal matters within Indian country and exercise jurisdiction over its members. In some cases, as jurisdictional authority is discussed or it is tried to be displayed in a simple diagram or chart, perplexity ensues.

Theoretically, an Indigenous offender could be charged and tried for the same crime by the federal government and the tribe or by the state and the tribe (see Table 14). This is why, as the jurisdictional authority is discussed, there is room for both governments to exercise their legal right and authority to do so.

**Table 14**

*Theoretical Indigenous Offender Jurisdictional Authority*

Indian Offender							
Indian Victim				Non-Indian Victim			
Non MCA		MCA		Non MCA		MCA	
Tribal	State	Federal	Tribal	State	Tribal	Federal	Tribal

In order to discover more about the contradictions, academic texts, case law, and expert opinions were consulted, and the lack of evidence and consensus seems to support tribal courts erring on the side of the protection of rights rather than abusing ambiguity as it pertains to double jeopardy (Carpenter et al., 2012). Still, instances that could provide unequal rights, are central to the increased need to advocate for Indigenous rights, rights that are ought not only to be protected but should be enforceable (Expert 2, 2024; Expert 3, 2024; Expert 8,2024).

Overall, the cross-case analysis of laws and lands illuminates a pivotal revelation — the profound impact of the intricate historical relationships between tribes and their respective states. Beyond the legal intricacies, inconsistencies continue to systemically exclude Indigenous people; it becomes evident that the ever-changing perspectives of leadership play a decisive role in shaping the dynamics of tribal criminal jurisdiction. Table 15 identifies the 3 most cited problems further impacting the perplexity of the issue by experts' opinions.

**Table 15**

*Significant Contemporaneous Proceedings*

Legislation	Impact
<i>Oliphant v. Suquamish Indian Tribe (1978)</i>	Tribes have lost their inherent authority to try non-Indians.
<i>McGirt v. Oklahoma (2020)</i>	The Muscogee Nation was never disestablished; Oklahoma had no jurisdiction over Indian country, and criminal cases occurred on tribal lands were subject to federal jurisdiction under the MCA (1885).
<i>Oklahoma v. Castro Huerta (2022)</i>	The federal and state governments have concurrent jurisdiction to prosecute crimes committed by non-Indians against tribal members in Indian country.

Note. Experts highlighted these legislations as significant in causing increased confusion regarding tribal criminal authority. Also, Castro Huerta was continuously compared as an attack on tribal sovereignty and a dangerous undermining of legal precedence (Expert 1, Expert 3, Expert 8, and Expert 10).

## **Law Enforcement**

The case studies highlighted unique approaches to law enforcement are highly impacted by the differentiation of PL 280 and non-PL 280 jurisdictions. Furthermore, the inconsistencies in law enforcement functions appear to be greatly influenced by the allocation of resources by tribal governments, state governments, and the federal government. Experts assert lack of resources and the disparity in resource allocation systematically discriminate against Indigenous communities, “[the federal government] continues to chronically underfund law enforcement, BIA agents undergo shorter training and bridged training... [BIA pay scale] is lower than other federal agencies” (Expert 8, 2024).

Within the scope of the cases law enforcement capabilities, all cases reported a need for increased law enforcement personnel and increased support from federal counterparts. Similarly, all cases have the need for greater training for law enforcement serving tribal governments. Additionally, all cases reported that inconsistencies in jurisdiction hinder their ability to effectively provide law enforcement.

With the exception created by PL 280, AK and SD appear to have similar challenges as result of their vast territory and remote areas. Similarly, due to their geography, they have fewer MOUs or MOAs with neighboring jurisdictions, hindering the ability to foster collaboration and leverage a multiagency approach. Consequentially, both jurisdictions are experiencing a crisis of violence and crime due to an overall lack of law enforcement. One expert concern was the impact of leaving that responsibility to another jurisdiction “...in some cases, they [county or state law enforcement] don’t even

show up” (Expert 4); at times they just do not have the resources or ability to respond to Indian country.

Conversely, SD, as a non-PL 280 jurisdiction, receives substantial support from the BIA, while it was established, as of February 2024, AK does not have a BIA presence. This major difference between PL 280 and non-PL 280 states is the inconsistent treatment of tribal governments by the federal government when it has charged itself with the obligation to ensure the safety of Indigenous people under its treaty obligation.

Equally important, the CA case demonstrated challenges for law enforcement while providing evidence of the tribal and state’s ability to work together. Data demonstrates regardless of the PL 280 designation, 22 tribal police departments have SLEC and are able to exercise increased jurisdiction, enforce federal laws, and serve as California Peace Officers (State of California, Commission on Peace Officers Standards and Training [POST], 2024). The CA and AK studies served to bring attention to the operational disparities existing between PL 280 jurisdictions.

Lastly, the OK study highlighted the disparities observed across the CA and AK cases but within the OK case boundaries. There is significant divergence between the Five Civilized Tribes and smaller tribes with fewer resources or in a more desolated area. Unique to OK was the immediate impact of the McGirt (2020) decision. Consequentially, tribal law enforcement has experienced a forced expansion of duties and responsibilities. Similarly, the geographical expansion resulted in increased jurisdictional uncertainty and constraints on resources; experts voiced concern about the lack of direction in Oklahoma.

The law enforcement aspect of the case studies underscored diverse challenges influenced by the PL 280 designation and jurisdictional inconsistencies. Notably, all

cases identified a need for increased personnel and federal support. Despite similar challenges faced by AK and SD due to vast territories, their differing federal support mechanisms result in distinct outcomes. The CA case highlighted collaborative efforts between tribal and state entities, showcasing a potential model for effective law enforcement. Meanwhile, the OK study revealed significant disparities within its boundaries, accentuated by the immediate impact of the *McGirt* (2020) decision, leading to a forced expansion of tribal law enforcement duties and increased jurisdictional uncertainty, further complicated by the *Castro Huerta* (2022) decision further compounding the jurisdictional perplexity.

### **Courts**

The diverse legal landscapes of the examined jurisdictions and the analysis of court systems unveil unique dynamics shaping the administration of justice, reflecting the intricate interplay between tribal, state, and federal entities. Furthermore, it poses the question of whether a uniform tribal court system has the potential to improve the issue.

Overall, the study found there is an increase in tribal court systems. With immense financial and staffing constraints, the AK case reports having 73 tribal court systems; this suggests villages and corporations in Alaska attempt to exercise their limited authority. Additionally, it is important to highlight of the 73 tribal systems, 21 reported having a tribal council in charge of hearing and deciding disputes. Eight reported having a wellness court, focused on restorative justice, and six reported an inter-tribal court arrangement, hinting to the importance of allowing culture and tradition to shape the judiciary.

Despite the staffing challenges experienced by law enforcement and the financial constraints, tribal courts in Alaska are steadfast in their pursuit of exercising their inherent sovereignty. Their commitment is evident as they endeavor to establish and maintain judicial systems, irrespective of the size or judicial framework adopted.

The CA study exposed a twofold approach to tribal courts, individual and intertribal courts. The intertribal courts suggest benefitting from collaboration between diverse tribal governments. The cohesiveness and flexibility demonstrated by this approach allow the intertribal courts to streamline the process while honoring individual tribal governments' constitutions, laws, and, more importantly, tradition. Similarly, CA also identified nineteen individual courts, signaling a strong collaboration with the state. The CA study supports the need and benefits for strong partnerships between state and tribal governments, which are crucial to ensuring safety and access to justice for Indigenous people.

The case of OK introduced an additional stakeholder in the judiciary. The Court of Indian Offenses, or CFR Court, provides services to tribes maintaining jurisdiction over indigenous people without an established court system. This alternative offers a solution for tribal governments impartial to the state or federal governments, consequentially maintaining inherent sovereignty. The OK case is the only one of the ones included in the multiple case study utilizing CFR Courts, AK and CA are PL 280, so the state provides this function and each tribal government in SD has an individual court. OK and SD both have tribes exercising SDVCJ, meaning the tribes can charge, try, and punish non-Indians for enumerated crimes committed in the reservation against a tribal

member with expanded and limited sentencing authority as established by the TLAO (2010).

The evidence in OK and SD sustained both jurisdictions are experiencing a significant influx of cases. In SD the workload after the McGirt (2020) decision has exponentially multiplied as result of defendants seeking relief on the under the new authority of the federal government rather than the state. Additionally, in SD reports, almost half of the USAO caseload is compiled of tribal cases. Evidence suggests SD tribal governments and the USAO are fostering collaboration through diverse initiatives. In SD, the USOA has designated Tribal liaison, and efforts are on the way to assign an Assistant United States Attorneys to each reservation.

On the contrary, OK stakeholders continue to oppose proposed alternatives, and there is no consensus for a solution to the patchwork of jurisdictional problems. As this study does not seek to assign responsibility but to understand the problem holistically, it is important to mention federal declinations in Indian country are significantly higher than when compared to non-Indians (Branton et al., 2022; Not Invisible Act Commission, 2023); most likely as the result of multiple failures and not necessarily lack of interest or incompetence by the USOA. Still, it does negatively impact the perceived interest of federal courts to seek justice for Indigenous people.

The four cases displayed diverse approaches and strategies to judicial duties. The data suggests a combined approach to the judiciary can benefit tribal governments with limited capabilities or in the early stages of developing a court system while ensuring the ability to enforce the law and justice in Indian country. Still, with their differences and

difficulties, all cases substantiate a functional judicial system is central to the inherent right of sovereignty and self-government of tribal governments.

### **Data Sharing**

The data-sharing aspect of the individual studies demonstrated an array of approaches and programs with difficulty in grasping the operational inconsistencies due to bureaucratic gauntlets. Tribal governments can encounter equally convoluted barriers and access to opportunities when attempting to effectively share or receive data. Given the limited access for the public, the study methodology, and the time constraints of the study, the most salient finding was inconsistencies and lack of a streamlined data-sharing process. Figure 10 illustrates the challenges of navigating the maze of data through the uncovering of public data and operational insight as detailed by some Experts during the interview process.

The cross-referenced search implemented by conducting the same search in NamUs and in states databases (see Appendices E, J, M, and P) is only one small aspect of the data puzzle impacting Indigenous people and further hindering the efforts of those vigorously working in an attempt to maintain Indigenous communities safe.

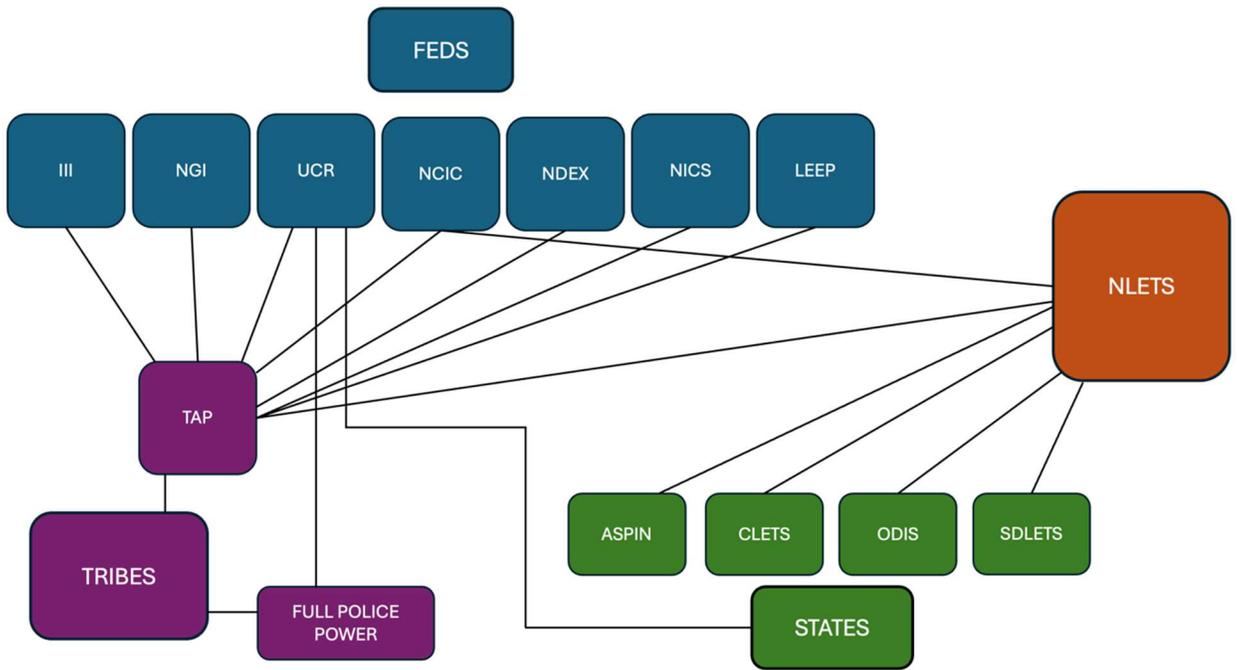
### **Summary**

The cross-case analysis highlighted the complexities of the patchwork of tribal criminal jurisdictional authority, drawing insights from four cases within and outside PL 280 states. It presented comprehensive but not exhaustive perspectives, with challenges arising from diverse legal perspectives. The synthesis emphasizes the importance of understanding historical relationships, leadership dynamics, and the evolving role of tribal courts in shaping the administration of justice. Challenges in law enforcement and

data-sharing underscore the need for cohesive yet flexible strategies and streamlined processes to ensure safety and access to justice for Indigenous communities.

**Figure 10**

*Data Sharing Maze*



Note. Additionally, NamUs is a national information clearinghouse accessible by everyone.

**Discussion**

The multiple-case study explored diverse perspectives of individual cases focusing on the inconsistency of tribal criminal jurisdictional authority in the AK, CA, OK, and SD cases; it provided an encompassing illustration of the impact disjointed jurisdiction has on Indigenous people's safety and access to justice. Furthermore, the exploration of multiple data sources coupled with expert interviews found the underlying problem is not a lack of knowledge about the issue or research but a lack of intentionality and the ability of the existent data to be implemented.

An ample amount of data exists, predominantly within the realms of law reviews, law enforcement, and governmental reports, the current landscape reveals a notable deficiency in comprehensive research that systematically investigates actionable solutions from a holistic tribal perspective. This gap underscores the need for an inclusive examination of potential solutions grounded in the unique context of tribal communities. Furthermore, the data available is unreliable as there is an ingrained lack of trust from Indigenous communities in reporting combined with flawed reporting systems and strategies.

The study has limitations on scope; many important issues were excluded due to the established parameters for the study. Additionally, the researcher's background and philosophy had an impact on the perception and interpretation of the data. The limited sampling strategy resulted in only ten expert interviews, thereby affecting the possibility of true replication. In contrast, the humanity and intentionality implemented in all stages of the study resulted in the most significant finding: the current initiatives and solutions proposed are often guided by perspectives grounded in colonization. As a result, there is an inherent cultural dissonance and historical imposition, inherently lacking the efficacy required for understanding and addressing the complex dynamics within Indian country. The unique sociocultural context necessitates an approach rooted in Indigenous perspectives and experiences for a more nuanced and effective engagement.

### **Summary**

The individual case studies yielded a comprehensive representation of the patchwork of theory-driven policy and legislation impacting tribal criminal jurisdictional authority. The overall resemblance was a stratified array of the legislature and policy

inconsistencies are hindering the practical implementation of such. Likewise, the unique opportunity to be submerged in the issue for an extensive period organically created an opportunity to analyze and contemplate the existent research and information from multiple perspectives. This time and intentionality identified the affinity of an underlying framework of colonialism guiding legislation, policy, solutions, evaluation, research, and recommendations. As the preceding analysis unfolded developing a holistic recommendation, Chapter 5 will propose actionable recommendations and discuss broader implications informed by an Indigenous-centered approach to policy implementation.

## CHAPTER FIVE: PROPOSED SOLUTIONS AND IMPLICATIONS

It is undisputable, Indigenous people continue to experience a crisis of violence in the United States. The jurisdictional inconsistencies further hinder the ability of tribal governments to enforce the law and provide safety in Indian country. This chapter will introduce two prospective solutions arising from its investigation. The first is within reach of the researcher's implementation capacity and centers upon information sharing and educational initiatives. This initiative is poised to address pertinent issues by leveraging technology through practical measures.

Conversely, the second proposed solution will require a tiered approach, entailing incremental changes to achieve legislative interventions. The subsequent steps required for its realization will be shared while acknowledging the uncertainty and complexity inherent in legislative processes. The chapter will also incorporate justifications for each proposed solution, describe structured and flexible procedures for implementation, and discuss implications from practical, research, and leadership perspectives, further highlighting the importance of humanity and encompassing holistic approaches. Lastly, the chapter will conclude with a summary of the DIP.

### **Aim Statement**

The DIP, aimed to produce a holistic, relevant, and factual description of the impact of inconsistent tribal criminal jurisdictional authority on Indigenous people's safety and access to justice. The study developed actionable alternatives to the current patchwork of laws, policies, and procedures. The study developed legislative recommendations to provide a systematic and homogeneous framework fostering

jurisdictional transparency to increase the safety of Indigenous people and provide a more just and equitable access to justice.

### **Proposed Solutions**

The study found the complexity of the issue impacting tribal criminal jurisdictional authority does not have one solution. It does not have one solution because tribal governments, as commonly described, are 574 individual sovereign nations. Therefore, the proposed solutions require tribes to exercise their authority to participate or not participate and a balance of structure and flexibility. In order to strive to achieve the required equilibrium, the study proposes a twofold strategy including the Knowledge Nexus Project and the Sovereign-State Safe Accord Initiative. Additionally, the justifications have been thoughtfully crafted to address fundamental challenges and opportunities identified in the study.

#### **Knowledge Nexus Project**

Establishment and operationalize a dedicated website to function as a central information repository, outreach, and educational resource platform. This proposal conceptualizes the development of a digital infrastructure intended to serve as an expansive hub for the diffusion of easily accessible, pertinent information while fostering educational initiatives cohesively.

#### ***Justification***

The research found copious amounts of information and public data spanning multiple disciplines and industries. Still, the study also recognized a discernable gap in its accessibility, particularly concerning public safety providers, social service agencies, governmental agencies, community members, and other vested stakeholders. In order to

bridge this gap, the proposed Knowledge Nexus Project aims to centralize and streamline the accessibility of public data while aspiring to function as a dedicated hub to foster educational initiatives. The dual purpose seeks to make information readily available and to empower diverse stakeholders through educational opportunities.

### **Sovereign-State Safe Accord Initiative**

Organize an Indigenous-led coalition in order to advocate for legislative modifications. This proposition will seek to advance a tribal-state initiative to orchestrate a collaborative alliance with tribal police departments, endowing them with full authority to work as equal partners with state courts.

#### ***Justification***

This initiative is substantiated by the recognition of persisting challenges resulting from inconsistent tribal criminal jurisdictional authority. The initiative proposes a homogeneous yet flexible framework for collaborative efforts between tribes and states, ensuring equitability between stakeholders. Leveraging on established state court systems and providing a structured route to tribal law enforcement with full authority, it aims to address operational challenges, foster collaboration, counter the narrative of lawlessness in Indian country, and deter violence against Indigenous communities. This initiative provides an alternative for tribal governments to exercise their inherent sovereignty and right to self-government but also strategically establishes an alternative to navigate operational hurdles fostering safer and more equitable environments.

**Evidence that Supports the Solution*****Knowledge Nexus Project***

- Non-accessible data, difficult-to-access information, overwhelming amounts of information (Department of Justice, 2021).
- The provision of information and transparency serves as a catalyst for fostering trust (Lundgren & McMakin, 2013).
- Education opportunities will serve as an empowering force for historically marginalized and underserved communities (Kraft & Furlong, 2021).

***Sovereign-State Safe Accord Initiative***

- The joint approach is already an established collaborative effort in some jurisdictions (CLETS, 2023; Tribal council as governing body; powers and duties, 1961)
- The perception of lawlessness in Indian country perpetuates criminal activity, this initiative would help change the narrative of the lack of consequences for non-Indians in Indian country (Biolsi, 2007)
- A robust judiciary bolsters the effectiveness of law enforcement by providing an avenue to seek justice for victims (ATJ, DOJ, 2021; U.S. Commission on Civil Rights, 2018).

**Evidence that Challenges the Solution*****Knowledge Nexus Project***

- Accessibility issues or insufficient technological infrastructure in certain regions of Indian country resulting in limited user engagement.
- Grant preparation and securing funding.

- Implementing a mechanism to verify and update information regularly to maintain the integrity of the project.

### ***Sovereign-State Safe Accord Initiative***

- Negative public perceptions and implicit biases about Indigenous law enforcement capabilities can impact stakeholder involvement.
- Rigid stances on tribal sovereignty are characterized by an unwillingness to engage in compromise or flexibility.
- Congressional inaction.

### **Implementation of the Proposed Solution(s)**

The implementation phase of the proposed solutions for the Knowledge Nexus Project incorporates a well-thought process designed to bring the envisioned initiative to fruition. The Sovereign-State Accord Initiative includes a less detailed implementation plan as the initiative necessitates the engagement of the project's Indigenous counterpart. This collaboration intentionally sought an equal partnership from its inception. Still, it had to be included as a proposed solution due to the anticipated probability of success.

### ***Knowledge Nexus Project***

The implementation chart for the proposed solution Knowledge Nexus Project (see Table 16), provides a roadmap for execution. The implementation strategy establishes clear and actionable goals and objectives and delineates key activities and next steps. Additionally, it includes resource requirements considering technological, funding, partnership, and human aspects. Furthermore, stakeholder engagement is prioritized through analysis, strategic communication, and continuous improvement measures.

The risk mitigation overview serves as a tool for proactive identification and management of potential challenges. The comprehensive evaluation criteria employ a rating scale focusing on information accessibility, user experience, community engagement, and cultural inclusivity. The implementation plan also outlines the development of a rich communications plan. Highlighting the need for transparency, community engagement, and collaboration to ensure accessibility and diverse strategies are implemented to promote stakeholder engagement. The plan also considers the valuable need for adaptability, continuous evaluation, and evolution. Implementing the Knowledge Nexus Project will foster information accessibility and collaborative learning and champion cultural awareness. Furthermore, the project will play a vital part in combating misinformation further hindering Indigenous people's access to the correct resources.

**Table 16**

*Knowledge Nexus Project Implementation Plan*

<b>Knowledge Nexus Project</b>	
<b>Goals and Objectives</b>	
<b>Goal 1: Enhance Information Accessibility</b>	<b>Objective 1.1:</b> Develop a user-friendly interface to serve as a centralized platform for easy access to public data.
	<b>Objective 1.2:</b> Curate diverse relevant public data.
<b>Goal 2: Foster Collaborative Learning</b>	<b>Objective 2.1:</b> Integrate educational resources within the platform to promote continuous learning.
	<b>Objective 2.2:</b> Establish partnerships for content development and expertise.
<b>Goal 3: Foster Cultural Sensitivity</b>	<b>Objective 3.1:</b> Incorporate and implement cultural sensitivity guidelines.
	<b>Objective 3.2:</b> Collaborate with diverse tribal governments and allies.
<b>Goal 4: Promote Community Engagement</b>	<b>Objective 4.1:</b> Conduct outreach initiatives to increase community engagement.
	<b>Objective 4.2:</b> Establish partnerships with community organizations to amplify impact.
<b>Goal 5: Ensure Sustainability</b>	<b>Objective 5.1:</b> Develop sustainable business models or secure long term funding resources.
	<b>Objective 5.2:</b> Conduct continuous assessment and evolve with technological and informational landscapes.

<b>Next steps Key Activities</b>	<ul style="list-style-type: none"> <li>• Research</li> <li>• Governing documents</li> <li>• Website development</li> </ul>	<ul style="list-style-type: none"> <li>• Curating content</li> <li>• Establishing detailed protocols</li> </ul>
<b>Timeline</b>	See Table 19	12 months
<b>Resources Needed</b>		
Technological	<ul style="list-style-type: none"> <li>• Web development.</li> <li>• Explore open-source data tools.</li> <li>• Cloud hosting services.</li> <li>• Database management system.</li> <li>• User Interface (UI) design tools.</li> </ul>	
Funding	<ul style="list-style-type: none"> <li>• Explore grant opportunities.</li> <li>• Research government funding programs (VAWA).</li> <li>• Corporate sponsorships opportunities.</li> </ul>	
Partnership	<ul style="list-style-type: none"> <li>• NGOs.</li> <li>• Tribal governments.</li> <li>• Federal and state governments.</li> <li>• Indigenous communities and organizations.</li> <li>• Community organizations.</li> <li>• Law enforcement and public service agencies.</li> </ul>	
Human	<ul style="list-style-type: none"> <li>• Contributors to assist with content creation/data analysis.</li> <li>• Collaborate with Subject Matter Experts to ensure accuracy of the content.</li> </ul>	
<b>Stakeholder Engagement</b>		
Stakeholder Identification and Analysis	<ul style="list-style-type: none"> <li>• Identify relevant stakeholders.</li> <li>• Conduct stakeholder analysis (interest, needs, influences, and contribution potentials).</li> </ul>	
Communication and Outreach	<ul style="list-style-type: none"> <li>• Develop a comprehensive communications plan.</li> <li>• Implement diverse communications channels.</li> <li>• Establish a clear feedback mechanism.</li> </ul>	
Partnership Building	<ul style="list-style-type: none"> <li>• Actively seek partnerships.</li> <li>• Establish clear inclusivity measures.</li> </ul>	
Continuous Improvement and Assessment	<ul style="list-style-type: none"> <li>• Acknowledge stakeholder’s contributions and foster a culture of gratitude.</li> <li>• Develop a conflict resolution plan.</li> <li>• Regularly update stakeholders.</li> <li>• Adjust and evolve with project needs.</li> </ul>	
<b>Risk Mitigation Overview</b>		
Risk Identification	Legal Compliance	Crisis Management Plan
Risk Assessment	Documentation	Third-Party Relationships
Mitigation Strategies	Adaptability	Post-implementation review
<b>Evaluation Criteria</b>		
<b>Eval. Criteria</b>	<b>Indicators</b>	<b>Rating Scale</b>
Information accessibility and user experience	Usability of the website	1 2 3 4 5
	Accessibility features implemented	1 2 3 4 5
	User satisfaction with information retrieval	1 2 3 4 5
Community engagement and collaboration	Number of outreach events conducted	1 2 3 4 5
	Participation in educational initiatives	1 2 3 4 5
	Feedback from contributors and users	1 2 3 4 5
Cultural inclusivity	Incorporation/implementation of cultural guidelines	1 2 3 4 5
	Direct engagement/input from Indigenous community	1 2 3 4 5
	Community feedback on diverse representation	1 2 3 4 5
<b>Communication Plan</b>		

Project Launch Announcement	<ul style="list-style-type: none"> <li>• Develop launch message.</li> <li>• Coordinate with stakeholders.</li> <li>• Schedule release.</li> </ul>	Dates
Regular Scheduled Project Update	<ul style="list-style-type: none"> <li>• Establish and update schedule.</li> <li>• Create content for updates.</li> <li>• Distribute update.</li> </ul>	
Stakeholder Engagement Events	<ul style="list-style-type: none"> <li>• Plan community events.</li> <li>• Attend pertinent events.</li> <li>• Collect feedback/and implement it.</li> </ul>	
Crisis Communication Plan	<ul style="list-style-type: none"> <li>• Establish a crisis response protocol.</li> <li>• Establish communications channels.</li> <li>• Seek professional advice.</li> </ul>	
Project Completion (milestones) Announcement	<ul style="list-style-type: none"> <li>• Develop a completion/milestones message.</li> <li>• Coordinate with stakeholders.</li> <li>• Schedule release.</li> </ul>	
<b>Feedback Mechanism</b>		
<ul style="list-style-type: none"> <li>• Establish a contact form for feedback from users or for stakeholders contact/information update</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a survey platform.</li> <li>• Create a feedback form.</li> <li>• Create a submit or update information.</li> </ul>	<ul style="list-style-type: none"> <li>• Promote the feedback mechanism.</li> <li>• Analyze feedback/take action.</li> </ul>
<b>Training and Support</b>	<ul style="list-style-type: none"> <li>• Research self-learning and online resources.</li> <li>• Attend educational opportunities.</li> </ul>	
<b>Adaptability</b>	<ul style="list-style-type: none"> <li>• Consider flexibility to adapt to any unforeseen challenges.</li> <li>• Develop alternative solutions as challenges arise.</li> <li>• Anticipate problems and further develop mitigation strategies.</li> </ul>	

***Sovereign-State Safe Accord Initiative***

The Sovereign-State Safe Initiative seeks to not only provide opportunities for tribes to exercise their autonomy of on what programs to participate but also fosters the much needed power-balanced, fair, equal, collaborative approach between stakeholders. Table 17 introduces the initial stages of the initiative.

**Table 17**

***Sovereign-State Safe Accord Initiative Proposal***

<b>Sovereign-State Safe Accord Initiative</b>	
Introduction	The Sovereign-State Safe Accord Initiative aims to create a collaborative alliance between tribal police departments and state courts, granting full authority to tribal law enforcement. The initiative seeks to address disparities in the tribal criminal jurisdiction, foster collaboration, counter-

	narratives of lawlessness, and enhance safety in Indian country while providing an alternative that respects tribal self-government and sovereignty.	
Objective	To establish an Indigenous-led coalition advocating for legislative change.	
Key Activities	<ul style="list-style-type: none"> <li>• Finalize collaboration partnership.</li> <li>• Conduct additional research to establish clear protocols and agreements.</li> <li>• Stakeholder recruitment and education, public involvement, and outreach.</li> <li>• Legislative advocacy to make required changes.</li> </ul>	
Timeline	Tentative tiered implementation approach (see Table 20)	24-36 months
Continuous assessment and adaptation.		

Note. The implementation plan is in the early stages and requires an Indigenous counterpart since its inception. The timeline in Table 20 is aspirational and provides a tentative guideline for partner outreach efforts.

**Factors and Stakeholders Related to the Implementation of the Solution**

The Knowledge Nexus Project and the Sovereign-State Accord Initiative both need to consider the initial identification of stakeholders (see Table 18). As the projects advance, further refining will be necessary to group them and assess their influence and interest in order to be prioritized. Perspectives, needs, strengths, etc., will need deeper evaluation and re-evaluation; as the projects progress, the stakeholders will fluctuate.

**Table 18**

*Preliminary Stakeholder Inventory*

Federal	Tribal	State	NGOs
<ul style="list-style-type: none"> <li>• DOJ</li> <li>• FBI</li> <li>• OVW</li> <li>• DOI</li> <li>• BIA</li> <li>• BIA LE</li> <li>• CFR Courts</li> <li>• Congress</li> <li>• Indian Health Services (HIS)</li> </ul>	<ul style="list-style-type: none"> <li>• Tribal Governments</li> <li>• Tribal Leaders</li> <li>• Tribal LE</li> <li>• Judicial System</li> <li>• Cultural and Elders Councils</li> </ul>	<ul style="list-style-type: none"> <li>• State Courts</li> <li>• State LE</li> <li>• State</li> <li>• State Legislative Assembly</li> <li>• Legal Aid Organizations</li> <li>• Community Relations Boards</li> <li>• State Task Forces on Indigenous Affairs</li> </ul>	<ul style="list-style-type: none"> <li>• National Congress of American Indians (NCAI)</li> <li>• Native American Rights Fund (NARF)</li> <li>• State and Local NGOs</li> <li>• Educational Institutions</li> <li>• Advocacy Groups</li> <li>• Allies</li> </ul>

***Knowledge Nexus Project Factors***

As it relates to the Knowledge Nexus Project it is crucial to highlight stakeholders and communication are critical to the success. Leaders must conduct comprehensive stakeholder analyses and identify central partners, consider tribal governments, legislators, bipartisan supporters, community organizations, NGOs serving Indigenous communities, and so on. Establishing clear communication and understanding the partner's needs and interests is vital. Additionally, there is a continuous need to maintain transparency. Leaders should acknowledge the historical barriers hindering communication and trust, so actively engaging with partners and potential partners, addressing concerns in a timely manner, and providing clear and concise updates will be imperative to build strong relationships.

Another two important factors to consider are resource allocation and problem-solving. Leaders must be proactive in identifying resources, needs, and opportunities. Efficient budget management and resource allocation are critical. The second factor is the ability to address implementational challenges. Leaders must ensure a risk assessment is conducted, ensure legal compliance is met, have required documentation, and prepare for the crisis they do not want to occur. Risk management is ongoing, assessments are ongoing and the ability to recognize risks and room for improvement will be fundamental for project success. An aware leader is able to recognize and mitigate issues before they become a crisis.

Lastly, from an interdisciplinary leadership perspective, leaders should recognize the nature of the project, understanding the intersection of policy, law, history, culture, and community. Actively fostering a culture of gratitude and acknowledging

stakeholders' contributions is vital. Similarly, cultivating a culture of inquiry and learning will help fostering adaptability to the rapid changing and challenging landscape stakeholders with missing and murdered indigenous people face. Furthermore, compassion and awareness of stakeholders' humanity should serve as a guide to mindfully adopt an interdisciplinary approach to the Knowledge Nexus Project.

***Sovereign-State Safe Accord Initiative Factors for Consideration***

In order to effectively spearhead the implementation of the Sovereign-State Accord Initiative, it is critical to organize a dedicated implementation team with diverse skills and gifts. Leaders should concentrate efforts on recruiting individuals with diverse expertise, including a legal expert who is well-versed in Federal Indian Law and jurisdictional matters. This legal professional will play a critical role and will be instrumental in ensuring the legal soundness of the proposal and fundamental in addressing potential complexities. Additionally, bipartisan support will be essential for success. Leaders should actively engage with lawmakers, emphasizing the initiative's bipartisan nature, and actively and mindfully assemble the necessary support.

Additionally, conducting a comprehensive analysis of locality and potential stakeholders' resources or capabilities is vital for financial planning. Leaders must examine financial implications of the initiative comprehensively, this includes, a tribal, federal, state, and local governments' perspectives. Early identification of potential challenges is the best mitigation strategy. In the same manner support from agencies already established and with the ability to implement the initiative like the DOJ, BIA, or the state of California, will help ease obstacles in the early stages and can enhance collaboration and streamline the process. Provided the massive initiative, it is also

important to access funding, for implementation strategies, and for stakeholders involved. Leveraging the support of established initiatives like VAWA could prove beneficial for resources needed to support the initiative.

Understanding the role of Congress and its plenary authority is fundamental since leaders will need to embrace fierce advocacy to vigorously argue with the most well-prepared array of debaters on Capitol Hill. The leader for this initiative should exhibit an array of traits; among those, he or she must have the gift of bringing people together and working towards consensus. Additionally, some alliances must be crafted with tribal governments and states. After all, this initiative only works with tribal consent.

Lastly, leaders need to be vulnerable and compassionate enough to understand the historical implications and origins of tribal criminal jurisdictional discrepancies. The leader who accepts this challenge will have a lot of responsibility seeking to balance tribal, federal, and state powers while ensuring tribal governments' inherent sovereignty and right to self-government are at the forefront. Ultimately, this is an initiative grounded in the idea of reconciliation and ensuring tribal governments, as well as their neighboring communities, are safe.

The Sovereign-State Accord Initiative, if successful, will slowly start to dismantle hundreds of years of enactment of policies with utter disregard for Indigenous people. This initiative will provide alternatives for those who willingly take action to participate. This initiative will finally establish tribal law enforcement with the same authority as their federal and state counterparts. Furthermore, the Indigenous classification should be one that brings honor and not one used to limit tribal authority, police powers, and access to justice, attempting to further marginalize 574 different societies.

***Timeline for Implementation of the Solution***

This section includes the diverse timelines for the implementation of the proposed solutions. It must be acknowledged flexibility is integral to success. Recognizing the diverse goals and objectives of each proposed solution results in timelines tailored to each project. The adaptive nature ensures the implementation progress aligns with the uniqueness of each initiative, fostering a comprehensive, effective, strategic, yet flexible frame.

**Knowledge Nexus Timeline**

**Table 19**

*Knowledge Nexus Project Timeline*

Phase 1: Project Initiation (1-3 months)	
Research and Planning	<ul style="list-style-type: none"> <li>Identify stakeholders and analysis.</li> <li>Research funding opportunities.</li> <li>Draft Initial project goals and objectives.</li> </ul>
Develop Governance and Protocols	<ul style="list-style-type: none"> <li>Create governing documents and outline project structure and protocols.</li> <li>Begin developing crisis management plan.</li> </ul>
Website Development Kick-off	<ul style="list-style-type: none"> <li>Explore open-source data tools.</li> <li>Begin basic web development of centralized platform.</li> </ul>
Phase II: Foundation Building (4-6 months)	
Fundraising and Partnerships	<ul style="list-style-type: none"> <li>Apply for grants and funding opportunities.</li> <li>Initiate partnerships.</li> <li>Reach out to potential corporate sponsors.</li> </ul>
Detailed Website Development	<ul style="list-style-type: none"> <li>Expand website development, focusing on a user-friendly interface.</li> <li>Explore cloud hosting services.</li> </ul>
Stakeholder Communication	<ul style="list-style-type: none"> <li>Develop a comprehensive communication plan.</li> <li>Begin implementing diverse communication channels.</li> </ul>
Phase III. Resource Procurement and Testing Period (7-9 months)	
Technology and Resource Procurement	<ul style="list-style-type: none"> <li>Finalize web development.</li> <li>Procure technological resources (databases, UI design tools).</li> </ul>
Stakeholder Training/Education	<ul style="list-style-type: none"> <li>Develop training/education/information material.</li> <li>Attend educational opportunities.</li> </ul>

Initial Content Development	<ul style="list-style-type: none"> <li>• Curate relevant public data.</li> <li>• Establish a protocol for systemic content analysis.</li> </ul>
Phase IV. Launch and Initial Operation (10-12 months)	
Project Launch	<ul style="list-style-type: none"> <li>• Develop and coordinate launch messages.</li> <li>• Schedule launch date Knowledge Nexus Project.</li> </ul>
Initial Outreach and Engagement	<ul style="list-style-type: none"> <li>• Conduct outreach initiatives to increase community engagement.</li> <li>• Establish partnerships.</li> </ul>
Continuous Improvement	<ul style="list-style-type: none"> <li>• Develop a conflict resolution plan.</li> <li>• Regularly update stakeholders.</li> <li>• Conduct post-implementation review</li> </ul>
Phase V. Maintenance (13 months ongoing)	
Sustain and Expand	<ul style="list-style-type: none"> <li>• Consider leveraging technology to improve sustainability.</li> <li>• Continuous assessment and change.</li> </ul>

**Sovereign-State Safe Accord Initiative Timeline**

**Table 20**

*Sovereign-State Safe Accord Initiative Timeline*

<b>Phase I: Pre-Implementation (1-6 months)</b>	
Month 1-2	Project Kickoff and Stakeholder Identification
	Officially Initiate the project. Identify and engage key stakeholders.
Month 3-4	Research and Needs Assessment
	Conduct comprehensive needs assessment. SWOT Analysis. Compile data on current law enforcement collaborations and challenges.
Month 5-6	Draft a Preliminary Framework and Conduct a Feasibility Assessment
	Develop a preliminary framework for the Sovereign-State Accord. Conduct a feasibility assessment (identify potential legal, financial, and logistical considerations).
<b>Phase II: Legislative Advocacy (7-12 month)</b>	
Month 7-8	Legislative Research and Strategy Development
	Continue researching existing pertinent legislation. Develop legislative advocacy strategy (identify additional stakeholders and identify decision makers and allies).
Month 9-10	Coalition Building/Tribal-State Taskforce Formation
	Build coalitions with tribal and state partners supportive of the initiative. Establish Tribal-State Taskforce (ensure equal representation/partnership).
Month 11-12	Draft/Create Advocacy Materials and Initial Outreach
	Prepare advocacy materials (informational documents/proposals).

	Initiate outreach strategy to legislative representatives, present the Sovereign-State Safe Accord, seek support for initiative.
<b>Phase III. Implementation and Combined Efforts (13-24 months)</b>	
Month 13-14	Legislative Advocacy Continuation/Refinement
	Continue legislative outreach efforts. Seek feedback and refine legislative outreach effort guided by feedback. Address legislative changes/concerns.
Month 15-18	Framework Finalization and Agreement Drafting
	Finalize Sovereign-State Accord framework, guided by input of tribal-state taskforce. Draft formal agreements and protocols for collaboration.
Month 19-24	Pilot Program Implementation and Evaluation
	Launch a pilot program. Gather feedback from stakeholders. Evaluate effectiveness of pilot program and make adjustments.
Month 24-36	Adjustments, evaluation, constant monitoring
Anticipating challenges and delays associated with legislative advocacy, the timeline is tentative to allow for flexibility while following a phased systematic approach.	

**Evaluating the Outcome of Implementing the Solution**

The study found the complexity of the jurisdictional issues impacting Indigenous people and the uniqueness of each tribal government does not align with one solution. Therefore, the proposed solutions require individual evaluating tools, approaches, or strategies.

**Knowledge Nexus Project Evaluation**

The Knowledge Nexus Project Evaluation is guided by the central aspects incorporated in the implementation plan (see Table 16). These are divided into the following areas (1) information accessibility and user experience, (2) community engagement and collaboration, and (3) cultural inclusivity.

Information Accessibility and User Experience are crucial to achieving enhanced information accessibility. A user-friendly interface ensures stakeholders can navigate challenging concept with ease. Furthermore, incorporating accessibility features is equally vital for promoting inclusion for individuals with diverse needs. The Community

Engagement and Collaboration aspects serve as tangible measures of the project's proactive approach to involving stakeholders and sharing awareness. The project's commitment to collaboration further reflects on the attempt to diffuse information while receiving information and learning from users and stakeholders.

Lastly, the Knowledge Nexus Project focuses on Cultural Inclusivity through diverse strategies, incorporation and implementation of cultural guidelines is critical to recognizing the vital role of culture. Additionally, the focus on a direct diverse engagement with Indigenous communities is essential for authentic representation and to empower individuals' ownership and agency. The rating scale (1-5) provides a quantifiable and standardized method for assessing and comparing criteria over time. The criteria align with the project's goals and will provide a simple still comprehensive understanding of its impact.

### **Sovereign-State Safe Accord Initiative Evaluation**

The evaluation framework for the Sovereign-State Safe Accord initiative centers around a simple and clear success metric: legislative change at a federal or state level. The ultimate goal is the enactment of new legislation or amendments reflecting the principles and objectives included in the previously outlined initiative. Success will be unequivocally defined by legislative change. Conversely, the initiative would be considered a failed effort in the absence of legislative change. The simple metric will ensure a focused approach driving the initiative to its only tangible goal, legislative change.

Furthermore, focusing on legislative change allows for the initiative to address an issue while at the same time respecting tribal governments' autonomy to participate by

taking advantage of the opportunity if it fits their needs, if it works for their people, if they wish to collaborate with neighboring jurisdictions and if neighboring jurisdictions want to engage in such agreement. The solution must provide alternatives and allow for autonomous decision-making from the tribal, state, or local governments to participate while receiving support or guidance from the federal government. The optional approach will foster trust between stakeholders as and promote respect for tribal sovereignty and the right to self-government.

## **Implications**

### **Practical Implications**

The research contributed by providing a holistic perspective of a largely overlooked issue. The opportunity to learn from experts proved of immense value to discover how an interdisciplinary approach produces innovative alternatives. Aside from the proposed recommendations the study resulted in some immediate practical implications:

Policy reformation and development: utilizing insight to advocate for policy reform based on the need for a more culturally sensitive, responsible, and inclusive approach. Actively engage Indigenous people and minorities in policy development.

Establish collaborative platforms or task forces: encourage partnerships between diverse communities to become allies; violence impacts Indigenous people disproportionately, but it is everyone's problem and should be everyone's responsibility. Seek partnerships between diverse stakeholders; everyone has a role, even if it is aspirational.

Educational and outreach initiatives: promote awareness and understanding of the problems in an inclusive manner with the goal of sharing information and knowledge with the world, not just with selective groups of professionals or academics. Knowledge is power; share it and empower from a position of humility.

The case studies highlighted how some communities are continuously impacted by the darkest periods in American history. The majority of those historically underrepresented and marginalized are on a healing journey; it is our shared humanity that will drive change; proposed solutions, systems implementations, alternatives, strategies, and frameworks have limited application; only when people are vulnerable enough to show humanity intentionally the practical implications of research will be of meaningful impact for the common good.

### **Implications for Future Research**

The multiple-case study provided a comprehensive understanding and actionable solutions to the impact of jurisdictional inconsistencies on Indigenous people's safety and access to justice. Moreover, the vastness and complexity of the issue of tribal criminal jurisdictional inconsistencies also discovered several potential implications for future research with incredible potential to produce actionable solutions.

Building upon the initial insights, future research endeavors will focus on the perspectives of colonialism in contemporaneous policy, aiming to provide a more comprehensive understanding of the policy inequities and their implications on tribal governments and indigenous people. The findings from the study establish the groundwork for continuous exploration into the persistent lack of inclusive humanity in

policymaking, with the intention of informing policy discussions and academic discourse and providing practical interventions.

There are opportunities to further explore effective information-sharing strategies, technological infrastructure, and accessibility in Indian country. Community engagement and participation, minority-guided strategies for implementing incremental legislative change, and to explore leadership and governance models within tribal governments to facilitate effective decision making and foster shared leadership approaches. The possibilities for meaningful actionable research exist, the methodological approaches and theoretical frameworks will need to be innovative to advance knowledge not only in a meaningful and equitable manner but also in an actionable manner.

### **Implications for Leadership Theory and Practice**

The research findings validate the methodological approach of implementing a spiritual and Ignatian leadership lens to the problem arising from tribal criminal jurisdictional inconsistencies and the impact it has on Indigenous people's safety and access to justice. At first sight, the issue appears to be deeply rooted in the criminal justice system, with the need to be assessed with the utmost neutrality. However, the issue is one that requires an exceptional amount of humanity as the result of its fundamentally violent, damaging, and prejudicial origins.

While previous research has explored diverse aspects of the topic, it is the distinctive contribution of a combined approach of a spiritual and religious theoretical lens resulting in the shared findings. Employing unique tools like discernment and collaboration to interact with the data and the experts intentionally yielded results centered on Indigenous perspectives and humanity. In the same manner, motivation

guided by cultural humility innate to spirituality and Ignatian leadership principles allowed for the exploration of solutions or alternatives centered on people, collaboration, fellowship, and justice-related decision-making. Implementing tools like reflection and contemplation are critical to develop compassionate, meaningful, ethical alternatives to unite people and communities and seek justice while fostering reconciliation.

Moreover, a sincere commitment to interfaith dialogue is critical to cultivating leaders who can learn from shared values. Leaders who seek peace and foster tolerance. Leaders who can learn from different traditions and cultures and have a greater impact across jurisdictions, cultures, religions, and socio-economics contexts. The all-encompassing approach will empower leaders to comprehensively act with a conscious understanding of the multilayered and multifaceted world resulting in greater and more significant contributions.

Additionally, integrating legal and operational complexities with Spiritual and Ignatian principles allows for the formation of a unique integrative approach to ensure actions reflect an honest concern for those impacted by unequal treatment. Complex problems require comprehensive solutions. Embracing the diverse aspects of self, will serve as a tool for the service of the common good, further embodying the Jesuit concept of “cura personalis” not merely to promote human dignity but to pursue it through action and create a more just and inclusive world.

### **Summary of the Dissertation in Practice**

The qualitative multiple-case study focused on exploring the impact of the jurisdictional patchwork of legislations and policies on indigenous people’s safety and access to justice. The four individual case studies bounded by jurisdictional authority in

PL 280 and non-PI 280 states allowed it to focus on four unique states (AK, CA, OK, and SD), with the goal of understanding the phenomenon and the impact of inconsistencies.

The individual cases were structured by four major aspects, Lands and Laws, Law Enforcement, Courts, and Data Sharing. The aspects were not exhaustive but ensured the possible significant issues were observed while maintaining a systemic approach, structure, and scope. Additionally, interviews with ten expert attorneys were conducted. The interviews guided the recommendations and provided multiple additional perspectives on the issue. Subsequently, a cross-case analysis was conducted to provide a comprehensive perspective of the issue and bring clarity to the complexities impacting tribal criminal jurisdictional authority and how it impacts Indigenous people's safety and access to justice. The obscure and clustered nature of how the tribal governments interact with other jurisdictions as the result of many years of short-sighted policymaking exacerbates the crises of violence against Indigenous people.

The proposed solutions included a two-fold approach or strategy; first, the Knowledge Nexus Project is an online user-friendly central information hub and resource platform. Second, the Sovereign-State Safe Accord Initiative seeks to organize an Indigenous-led coalition to advocate for legislative modification. Both projects have diverse implementation requirements, evaluations, and considerations, structured enough to move forward yet flexible enough to allow for evolution once Indigenous partners provide their input.

Focused on providing alternative solutions to the problem while ensuring tribal governments and Indigenous people maintain their sovereignty and right to self-government. The study seeks to provide solutions while focusing on the humanity of

Indigenous people. It was central to embrace the complexity of the problem with the comprehensive perspectives provided by spiritual and Ignatian values to ensure the integration of collaboration, discernment, reflection, compassion, cultural awareness, and religious tolerance for a more significant impact in an attempt to forge a more just society.

### References

Access to California Law Enforcement Telecommunications System by tribal police, Cal. Gov. Code § 15168 (2023).

Alaska Court System. (2024a). *Alaska Court System annual report FY 2023* (July 1, 2022 - June 30, 2023) [Report]. <https://courts.alaska.gov/admin/index.htm#annualrep>

Alaska Court System. (2024b). *Alaska Court System statistical report FY 2023* (July 1, 2022 - June 30, 2023) [Statistical Report].

<https://courts.alaska.gov/admin/index.htm#annualrep>

Alaska Department of Public Safety. (2017). *Recruitment and retention plan overview: 2018-2023* (Report). [chrome-](chrome-extension://efaidnbmnnnibpcajpcgiclfefindmkaj/https://dps.alaska.gov/getmedia/319ffe9e-7f1b-492b-b597-a4a7d32c8de5/Recruitment-Retention-Plan-Overview-2018-2023-FINAL.pdf.aspx)

[extension://efaidnbmnnnibpcajpcgiclfefindmkaj/https://dps.alaska.gov/getmedia/3](chrome-extension://efaidnbmnnnibpcajpcgiclfefindmkaj/https://dps.alaska.gov/getmedia/319ffe9e-7f1b-492b-b597-a4a7d32c8de5/Recruitment-Retention-Plan-Overview-2018-2023-FINAL.pdf.aspx)

[19ffe9e-7f1b-492b-b597-a4a7d32c8de5/Recruitment-Retention-Plan-Overview-](https://dps.alaska.gov/getmedia/319ffe9e-7f1b-492b-b597-a4a7d32c8de5/Recruitment-Retention-Plan-Overview-2018-2023-FINAL.pdf.aspx)

[2018-2023-FINAL.pdf.aspx](https://dps.alaska.gov/getmedia/319ffe9e-7f1b-492b-b597-a4a7d32c8de5/Recruitment-Retention-Plan-Overview-2018-2023-FINAL.pdf.aspx)

Alaska Department of Public Safety. (2023). *Alaska Department of Public Safety and Anchorage Police Department release missing Indigenous persons report*

[Report]. [https://dps.alaska.gov/AST/PIO/PressReleases/DPS-and-APD-Release-](https://dps.alaska.gov/AST/PIO/PressReleases/DPS-and-APD-Release-Missing-Indigenous-Persons-Rep)

[Missing-Indigenous-Persons-Rep](https://dps.alaska.gov/AST/PIO/PressReleases/DPS-and-APD-Release-Missing-Indigenous-Persons-Rep)

Alaska Department of Public Safety, Alaska State Troopers. (n.d.). *Division of Alaska*

*State Troopers*. Alaska department of Public Safety. Retrieved February 15, 2024,

from <https://dps.alaska.gov/AST/Home>

Alaska Department of Public Safety, Village Public Safety Officers. (2023). *Village*

*public safety: now and into the future* [Report].

<https://dps.alaska.gov/AST/VPSO/Home>

Alaska DPS. (2024a). *Missing Alaska Natives & American Indian* (July 1, 2023-September 30, 2023) [Quartely Report].

[https://www.akleg.gov/basis/get\\_documents.asp?session=33&docid=28194](https://www.akleg.gov/basis/get_documents.asp?session=33&docid=28194)

Alaska DPS. (2024b). *Missing Alaska Natives & American Indians* (October 1, 2023-December 31, 2023) [Report]. [chrome-](#)

<extension://efaidnbmnnnibpcajpcglclefindmkaj/https://dps.alaska.gov/getmedia/116ecb70-80c3-438a-bccb-b984cc8cda99/2023-Q2-Missing-Persons-Report.pdf>

Alaska Legal Services Corporation. (2022). *2022 Alaska Tribal court directory* (Grant No. 2018-AL-BX-0001) [Project]. [Alaskatribes.org](http://Alaskatribes.org)

Alaska Native Claims Settlement, 33 U.S.C. (1971 & rev. 1601 et seq.).

Alaska Police Standards Council. (2021). *APSC user's guide* (June 1, 2021 version).

[chrome-](#)

<extension://efaidnbmnnnibpcajpcglclefindmkaj/https://dps.alaska.gov/getmedia/aa682f0-b014-486a-99e5-f94869db1e36/APSC-Guidebook-w-regs-Final-AdoptionV5;.aspx>

Alaska State Legislature. (2020). *VPSO working group report recoommendations and findings* (Adopted January 24, 2020) [Report]. [chrome-](#)

[extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.akleg.gov/basis/get\\_documents.asp?session=32&docid=79766](extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.akleg.gov/basis/get_documents.asp?session=32&docid=79766)

Aleutian Pribilof Island Association. (n.d.). *Tribes*. [apiai.org](http://apiai.org). Retrieved January 19, 2024, from <https://www.apiai.org/tribes/>

American Bar Association. (2020). *ABA profile of the legal profession* [Report]. <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.americanbar.org/content/dam/aba/administrative/news/2020/07/potlp2020.pdf>

American Bar Association & Smith, M. (2014, October 1). *Native American attorneys systematically excluded in the legal profession*. American Bar Association. [https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/2014\\_vol\\_40/vol--40--no--1--tribal-sovereignty/native-american-attorneys-systematically-excluded-in-the-legal-p/#:~:text=the%20legal%20profession.-.Research%20Methodology%20and%20Strategy,attorneys%20in%20the%20United%20States.](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/2014_vol_40/vol--40--no--1--tribal-sovereignty/native-american-attorneys-systematically-excluded-in-the-legal-p/#:~:text=the%20legal%20profession.-.Research%20Methodology%20and%20Strategy,attorneys%20in%20the%20United%20States.)

American Psychological Association. (2020). *Publication manual of the American Psychological Association* (7th ed.).

Amnesty International. (2022). *The never-ending maze: continued failure to protect Indigenous women from sexual violence in the USA* (AMR 51/5484/2022). <https://www.amnesty.org/en/documents/amr51/5484/2022/en/>

AN ACT for the protection of the people of the Indian Territory, and for other purposes, 30 Stat. 495 (1898).

An act relating to Bois Forte Indian Reservation at Nett Lake; providing for the retrocession to the United States of America of all criminal jurisdiction in that area of Indian country, Minn. Laws 1500 (1973).

An Act relating to Department of Public Safety regulations allowing village public safety officers to carry firearms, Alaska Sess. ch. 97, § 14 (2014). <https://www.akleg.gov/basis/Bill/Detail/28?Root=HB199>

An Act Relative to Employment for Certain Adult Indians on or near Indian Reservations, 70 U.S.C. § 986 (1956).

An Act to amend the law with respect to civil and criminal jurisdiction over Indian Country in Alaska, Pub. L. No. 85-615, 72 Stat. 545 (1958).  
<https://www.congress.gov/bill/85th-congress/house-bill/9139/text/pl?overview=closed>

An Act to authorize the Secretary of the Interior to issue certificates of citizenship to Native Indians., 43 U.S.C. § 253 (1924).

An Act to confer jurisdiction on the State of North Dakota over offenses committed by or against Indians on the Devil's Lake Indian Reservation, Pub. L. No. 79-394 (1946).

An Act To confirm the boundaries of the Southern Ute Indian Reservation in the State of Colorado and to define jurisdiction within such reservation, Pub. L. No. 98-290, 98 Stat. 201 (1984).

An Act To provide for the admission of the State of Alaska into the Union, Pub. L. No. 85-508, 72 Stat. 339 (1958).

An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations, Pub. L. No. 49-105, 24 Stat. 388 (1887).

An Act to provide for the division of Dakota into two states and enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and state governments, 25 Stat. 676 (1889).

An act to ratify an agreement with certain bands of the Sioux Nation of Indiana and also with the Northern Arapaho and Cheyenne Indians, 19 Stat. 254 (1877).

An Act to settle certain claims of the Mashantucket Pequot Indians, Pub. L. No. 98-134, 98 Stat. 851 (1983).

An Act to settle Indian land claims in the town of Gay Head, Massachusetts, and for other purposes, Pub. L. No. 100-95, 101 Stat. 704 (1987).

Annette Islands reserved for Metlakahtla Indians, 25 U.S.C. § 495 (1891 & rev. 2001).

Arkansas Department of Public Safety. (2022). *Number of full time law enforcement officers* [Crime in Arkansas 2022]. [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.dps.arkansas.gov/wp-content/uploads/LEO-Civilian-Counts-2022.pdf](https://www.dps.arkansas.gov/wp-content/uploads/LEO-Civilian-Counts-2022.pdf)

Association of Village Council Presidents. (2018). *Public safety facility assessment* [Report]. AVCP.org. [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.avcp.org/wp-content/uploads/2020/05/Public-Safety-Facilities-Assesment-2.pdf](https://www.avcp.org/wp-content/uploads/2020/05/Public-Safety-Facilities-Assesment-2.pdf)

Assumption by state of criminal and civil jurisdiction over Indians and Indian Territory, Utah Code Ann. § 9-9-201 (1971).

Assumption by State of criminal jurisdiction, 25 U.S.C. § 1321 (1968).

Assumption of criminal jurisdiction of Flathead Indian Country, Mont. Code § 2-1-302 to 2-1-307 (1963).

Babbie, E. (2017). *The basis of social research* (7th ed.). Cengage.

Barker, J. (Ed.). (2005). *Sovereignty matters: locations of contestation and possibility in Indigenous struggles for self-determination*. University Of Nebraska.

Beyers, J. (2017). Religion and culture: revisiting close relative. *HTS Theologiese Studies/Theological Studies*, 73(1). <https://doi.org/10.4102/hts.v73i.3864>

- BIA Central California. (n.d.). *Central California jurisdictional map* [Map]. Indian Affairs. Retrieved February 6, 2024, from <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.bia.gov/sites/default/files/dup/assets/bia/pacreg/Central%20California%20Agency%20Jurisdictional%20Map.pdf>
- Biolsi, T. (2007). *Deadliest enemies: Law and race relations on and off Rosebud Reservation* (First ed.). Univ Of Minnesota Press.
- Brackley, D. (2018). *The call to discernment in troubled times: New perspectives on the transformative wisdom of Ignatius of Loyola*. Crossroad.
- Branton, R., King, K., & Walsh, J. (2022). Criminal justice in Indian Country: examining declination rates of tribal cases. *Social Science Quarterly*, 103, 69–81. <https://doi.org/10.1111/ssqu.13100>
- Bristol Bay Native Association. (2022). *BBNA programs and tribes*. <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://bbna.com/wp-content/uploads/2022/09/BBNA-Programs-Tribes-web.pdf>
- Brown, J. E. (Ed.). (1953). *The sacred pipe: Black Elk's account of the Seven Rites of the Oglala Sioux*. University of Oklahoma Press.
- Bryan v. Itasca County, 426 U.S. 373 (1976).
- Bryman, A., Collison, D., Grint, K., Jackson, B., & Uhl-Bien, M. (Eds.). (2011). *The SAGE handbook of leadership*. Sage.
- Bureau of Indian Affairs. (2021, January 12). *What is the BIA's history?* U.S. Department of the Interior, Indian Affairs. <https://www.bia.gov/faqs/what-bias-history>

Bureau of Indian Affairs, Office of Justice Services. (2023). *Report to Congress on spending, staffing, and estimated funding cost for public safety and justice*

*programs in Indian Country, 2020* (2020 Report, Released to Congress in 2023)

[Report]. [https://www.bia.gov/bia/ojs/documents-and-](https://www.bia.gov/bia/ojs/documents-and-reports#:~:text=2020%20TLOA%20Report%20Final)

[reports#:~:text=2020%20TLOA%20Report%20Final](https://www.bia.gov/bia/ojs/documents-and-reports#:~:text=2020%20TLOA%20Report%20Final)

Bureau of Justice Statistics. (2022). *Census of state and local law enforcement agencies,*

*2018* (Statistical Tables, NCJ 302187) [Report]. [chrome-](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/csllea18st.pdf)

[extension://efaidnbmnnnibpcajpcglclefindmkaj/https://bjs.ojp.gov/sites/g/files/xyck](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/csllea18st.pdf)

[kuh236/files/media/document/csllea18st.pdf](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/csllea18st.pdf)

Bureau of Justice Statistics. (2023). *Tribal law enforcement in the United States, 2018*

(NCJ 306022) [Bulletin]. U.S. Department of Justice. [chrome-](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://bjs.ojp.gov/document/tleus18.pdf)

[extension://efaidnbmnnnibpcajpcglclefindmkaj/https://bjs.ojp.gov/document/tleus](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://bjs.ojp.gov/document/tleus18.pdf)

[18.pdf](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://bjs.ojp.gov/document/tleus18.pdf)

Burns Paiute Reservation Retroceded, 44 F.R. 26129 (1979).

California Indian Legal Services. (2020, December 2). *Indian allotment and co-*

*ownership*. Calindian.org. Retrieved January 29, 2024, from

<https://www.calindian.org/indian-allotments-and-co-ownership/>

California Legislature. (2024). *An act to amend Sections 830.8, 832, and 13509.6 of, and*

*to add Section 830.16 to, the Penal Code, relating to peace officers* (AB-2138).

California State Assembly. (2024, January 24). *A year later: assessing Feather Alert*

*implementation*. California State Assembly District 45. Retrieved January 26,

2024, from <https://a45.asmdc.org/>

California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987).

- Carlson, K. M. (2023). Dividing authority three ways: federal-tribal-state relations after Oklahoma v. Castro-Huerta. *The Journal of Federalism*, 53(3), 405–434.  
<https://doi.org/10.1093/publius/pjad020>
- Carpenter, K. A., Fletcher, M. L., & Riley, A. R. (Eds.). (2012). *The Indian civil rights act at forty*. UCLA.
- Cherokee Nation & DelawareTribe. (2008). *Memorandum of Agreement between Cherokee Nation and Delaware Tribe* [MOA, Reauthorized 2023]. [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://delawaretribe.org/wp-content/uploads/cherokee\\_delaware\\_moa.pdf](chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://delawaretribe.org/wp-content/uploads/cherokee_delaware_moa.pdf)
- Cherokee Nation v. Georgia, 30 U.S. 1 (1831).
- Ciulla, J. B. (Ed.). (2014). *Ethics, the heart of leadership* (3rd ed.). Praeger.
- Civil and criminal jurisdiction; Indian reservation, Fla. Stat. § 285.16 (1961).
- Cohen, F. S. (2014). *Handbook of federal Indian law*. University of Michigan. (Original work published 1942)
- Congressional Research Service. (2022a,). *Missing and murdered Indigenous people (MMIP): overview of recent research, legislation, and selected issues for Congress* (R47010) [Report]. <https://crsreports.congress.gov/>
- Congressional Research Service. (2022b,). *Redefining waters of the United States (WOTUS): recent developments* (R46927) [Report].  
<https://crsreports.congress.gov/>
- Congressional Research Service. (2023). *The 574 federally recognized Indian tribes in the United States* (R47414) [Report]. <https://crsreports.congress.gov>
- Constitution and By-Laws of the Metlakatla Indian Community art. I.

Copper River Native Association. (2020). *Copper River Native Association 2020 annual report* [Annual Report].

[https://issuu.com/crnative/docs/2020\\_annual\\_report\\_06.15.2020](https://issuu.com/crnative/docs/2020_annual_report_06.15.2020)

Corntassel, J., & Witmer, R. C. (2008). *American Indian law and policy: Vol. 3. Forced federalism: Contemporary challenges to Indigenous nationhood* (L. G. Robertson, Ed.). University of Oklahoma.

Courts of Indian Offenses and Law and Order Code, 25 C.F.R. § 11 (1993).

Covrig, D. M., Ledesma, J., & Gifford, G. (2013). Spiritual or religious leadership: what do you practice? What should you practice? *The Journal of Applied Christian Leadership*, 7(1), 104–113.

Creswell, J. W. (2014). *Research design: qualitative, quantitative, and mixed methods approaches* (4th ed.). Sage.

Creswell, J. W., & Crewel, J. D. (2023). *Research design: qualitative, quantitative, and mixed methods approaches* (6th ed.). Sage.

Creswell, J. W., & Poth, C. N. (2018). *Qualitative inquiry and research design: Choosing among five approaches* (4th ed.). Sage.

Dana, C. H., & United States Commission to the Five Civilized Tribes. (1899). *Map showing progress of allotment in Creek Nation* [Map]. Library of Congress.

Retrieved December 11, 2023, from

<https://www.loc.gov/resource/g4022c.ct002106/?r=-0.59,0.009,2.181,1.195,0>

DeFeo, J. A. (2020). Discerning leaders: forming Jesuit higher education administrators and faculty in the Ignatian tradition. *Jesuit Higher Education: A Journal*, 9(2), 30–43. <https://epublications.regis.edu/jhe/vol9/iss2/5>

Definitions, 2 U.S.C. § 658 (1995).

Definitions, 25 U.S.C. § 2201 (1983 & rev. 2000, 2004, 2008).

Definitions, 25 U.S.C. § 479a(2) (1994).

Definitions, 25 U.S.C. § 5130 (1994).

Den Hartog, D. N., & Dickson, M. W. (2018). Leadership, culture, and globalization. In *The nature of leadership* (3rd ed., pp. 327–353). Sage.

Department of Justice. (2021). Missing or murdered Indigenous persons: legal, prosecution, advocacy, & healthcare. *The Department of Justice Journal of Federal Law and Practice*, 69(2).

Department of Justice. (2023). *Tribal Access Program fpr national crime information (TAP)*. U.S. Department of Justice. Retrieved January 25, 2024, from <https://www.justice.gov/tribal/tribal-access-program-tap>

Department of Public Safety. (2020). *Public information records request* (Record Request 30225). <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://media.alaskapublic.org/wp-content/uploads/2020/07/Nathaniel-Herz-PIR-30225-Complete-Disclosure-1.pdf>

Department of the Interior. (n.d.). *District I*. U.S. Department of the Interior Indian Affairs. Retrieved January 8, 2024, from <https://www.bia.gov/bia/ojs/districts>

Dickel, C. T. (2017). *Reflection: a taxonomy and synthesis of descriptions of reflective practice/reflective inquiry* [Unpublished manuscript]. Department of Education, Creighton University.

- DiMarco Allen, M. R. (2019). God, ontology and management: a philosophical praxis. *Philosophy of Management*, 18, 303–330. <https://doi.org/10.1007/s40926-018-0101-6>
- Dodson, S. (2011). The complexity of jurisdictional clarity. *Virginia Law Review*, 97(1).
- Doering, A. R. (2021). *Indigenous people's trust in police: multi-jurisdictional issues and the effect on reporting* [Honors thesis, University of South Dakota].
- DOI, Indian Affairs. (2018). *Palm Spring Agency*. Bia.gov. Retrieved January 26, 2024, from <https://www.bia.gov/regional-offices/pacific/palm-springs-agency>
- Douglas, M. (2018). Sufficiently criminal ties: Expanding VAWA criminal jurisdiction for Indian tribes. *University of Pennsylvania Law Review*, 166(3), 745–787.
- Dupuis, J., S.J. (2001). *Toward a Christian theology of religious pluralism*. Orbis.
- Duro v. Reina, 495 U.S. 676 (1990).
- Duthu, N. B. (2009). *American Indians and the law*. Penguin.
- Duthu, N. B. (2013). *Shadow nations: tribal sovereignty and the limits of legal pluralism*. Oxford.
- Ennis, S. E., & Mayhew, C. P. (2013-14). Federal Indian law and tribal criminal justice in the self-determination era. *American Indian Law Review*, 38(2), 421–476.
- Ex parte Kan-gi-shun-ca (otherwise known as Crow Dog), 109 U.S. 556 (1883).
- Exec. Order No. 13,898, 3 C.F.R. 66059 (2019).  
<https://www.federalregister.gov/documents/2019/12/02/2019-26178/establishing-the-task-force-on-missing-and-murdered-american-indians-and-alaska-natives>
- Feather Alert, Cal. Gov. Code § 8594.13 (2023).

Federal Recognized Indian Tribe List Act of 1994, Pub. L. No. 103-454, 103, 108 Stat. 4791 (1994).

Fernando, M. (2011). Spirituality and leadership. In A. Bryan, D. Collison, K. Grint, B. Jackson, & M. Uhl-Bien (Eds.), *The Sage handbook of leadership* (pp. 483–494). Sage.

Findings and purposes, 25 U.S.C. § 1775 (1994).

Fletcher, M. L. (2016). *Federal Indian law (hornbooks)*. West Academic Publishing.

Fry, L. W. (2003). Toward a theory of spiritual leadership. *The Leadership Quarterly*, 14(6), 693–727. <https://doi.org/10.1016/j.leaqua.2003.09.001>

Future treaties with Indian tribes, 25 U.S.C. § 71 (1871).

Gaines-Stoner, K. (2019). Tribal judicial sovereignty: a tireless and tenacious effort to address domestic violence. *Family Law Quarterly*, 53(3), 167–182.

Garrett, T. J., & Garrett, M. W. (1994). The path of good medicine: Understanding and counseling Native American Indians. *Journal of Multicultural Counseling & Development*, 22(3), 134–144.

Gilbert, S. L., Wright, E. M., & Richards, T. N. (2021). Decolonizing VAWA 2021: a step in the right direction for protecting Native American women. *Feminist Criminology*, 16(4), 447–460.

Giordano, A. L., Prosek, E. A., Schmit, M. K., & Wester, K. L. (2020). “We are still here”: learning from Native American perspectives. *Journal of Counseling & Development*, 98, 159–171. <https://doi.org/10.1002/jcad.12310>

Goldberg, C. E. (1975). Public law 280: the limits of state jurisdiction over reservation Indians. *UCLA Law Review*, 22(3), 535–594.

- Gover, A. R., & Moore, A. M. (2021). The 1994 Violence Against Women Act: A historic response to gender violence. *Violence Against Women*, 27(1), 8–29.
- H.R. Res. 12707, 59th Cong., 1 Cong. Rec. 267 (1906) (enacted).
- H.R. Res. 2471, 117th Cong., 168 Cong. Rec. 1069 (2022) (enacted).
- H.R. Res. 2733, 116th Cong. (2019) (enacted).
- Hannon, M. T. (2021). Beyond sliver of full moon: acknowledging & abolishing white bias to restore safety sovereignty to Indian Country. *American Indian Law Journal*, 9(2), 257–290.
- Haslam, S. A., Reicher, S. D., & Platow, M. J. (2011). *The new psychology of leadership: Identity, influence and power*. Psychology Press.
- Henretta, J. A., Edwards, R., & Self, R. O. (2012). *To 1877: Vol. 1. America: A concise history* (5th ed.). Bedford / St.Martin's.
- Hill, A. G. (2009). Another blow to tribal sovereignty: look at cross-jurisdictional law-enforcement agreements between Indian tribes and local communities. *American Indian Law Review*, 34(2), 291–316.
- Hirose, I., & Olson, J. (Eds.). (2018). *The Oxford handbook of value theory*. Oxford University Press.
- Honderich, T. (Ed.). (2005). *The Oxford companion to philosophy* (2nd ed.). Oxford University Press.
- Hooper v. City of Tulsa, 71 F.4th 1270 (10th Cir. 2023).
- House Concurrent Resolution 108, 67 Stat. B132 (1953).
- Hunsinger, E., & Sandberg, E. (2013). The Alaska Native population: steady growth for original Alaskans through years of change. *Alaska Economic Trends*, 33(4), 4–9.

<https://live.laborstats.alaska.gov/trends-magazine/2013/April/alaska-s-native-population#:~:text=Alaska's%20Native%20Population.%20Alaska%20is%20home%20to,a%20larger%20proportion%20than%20any%20other%20state.>

Indian Child Welfare Act, 25 U.S.C. § 1901 *et seq.* (1978).

Indian country defined, 18 U.S.C. § 1151 (1948 & rev. 1949).

Indian entities recognized by and eligible to receive services from the United States

Bureau of Indian Affairs, 88 F.R. 54654.

Indian Entities Recognized by and Eligible To Receive Services From the United States

Bureau of Indian Affairs, 89 F.R. 944.

Indian Law & Order Commission. (2013). *A roadmap for making Native America safer*

[Report to the President and Congress of the US].

Indian Removal Act, Pub. L. No. 21-148, 4 Stat. 411 (1830).

Indian Reorganization Act, Pub. L. No. 73-383, 48 Stat. 894 (1934).

Indian Self Determination and Education Assistance, Pub. L. No. 93-638 (1975).

Institute for Government Research. (1928). *The problem of Indian Administration*

[Report]. Johns Hopkins Press.

Intertribal Court of Southern California. (n.d.). *Intertribal Court of Southern California.*

<https://www.intertribalcourt.org/>. Retrieved February 1, 2024, from

<https://www.intertribalcourt.org/>

Jiménez, V. J., & Song, S. C. (1998). Concurrent tribal and state jurisdiction under public

law 280. *The American University Law Review*, 47, 1627–1707.

Jock, B. W., Dana-Sacco, G., Arscott, J., Bagwell-Gray, M. E., Brokie, T., Packard, G.,

O'Keefe, V. M., McKinley, K. E., & Campbell, J. (2022). “We’ve already

endured the trauma, who is going to either end the cycle or continue to feed it?":

The influence of family and legal systems on Native American women's intimate partner violence experiences. *Journal of Interpersonal Violence*, 1–28.

Joh, E. E. (2001). Custom, tribal court practice, and popular justice. *American Indian Law Review*, 25(1), 117–132.

Johnson v. M'Intosh, 21 U.S. 543 (1823).

Joseph, A. S. (2021). A modern Trail of Tears: the missing and murdered Indigenous women (MMIW) crisis in the US. *Journal of Forensic and Legal Medicine*, 79.

Jurisdiction in Indian Country, Idaho Code § 67-5101 et seq. (1963).

Jurisdiction of New York State over offenses committed on reservations within State, 25 U.S.C. § 232 (1948).

Jurisdiction of State of Kansas over offenses committed by or against Indians on Indian reservations, 18 U.S.C. § 3243 (1948).

Kalscheur, G. A. (2007). Ignatian spirituality and the life of a lawyer: finding God in all things - even in the ordinary practice of law. *Journal of Catholic Legal Studies*, 46(7), 7–28. <https://www-heinonline-org.proxy.library.georgetown.edu/HOL/Page?handle=hein.journals/cathl46&id=11&collection=journals&index=journals/cathl>

Kodiak Area Native Association. (2024). *Village Public Safety Officer (VPSO) program*. Retrieved January 12, 2024, from <http://dev.kodiakhealthcare.org/community-services/cs-village-programs/vpso-program/>

Kraft, M. E., & Furlong, S. R. (2021). *Public policy: Politics, analysis, and alternatives* (7th ed.). CQ Press.

Lambert, V. (2017). Rethinking American Indian and non-Indian relations in the United States and exploring tribal sovereignty: perspectives from Indian Country and from the Bureau of Indian Affairs. *Political and Legal Anthropology Review*, 40(2), 278–294. <https://doi.org/10.1111/plar.12220>

Land Acquisitions, 25 C.F.R. § 151 (2024). <https://www.ecfr.gov/current/title-25/chapter-I/subchapter-H/part-151>

Laws governing, 18 C.F.R. § 1152 (1817).

Lecourt, V., & Pauchant, T. C. (2011). Ignatian spirituality & management a study of "Ignatian executives". *Journal of International Business Ethics*, 4(1), 18–27. <http://search.proquest.com/docview/875883719/>

Ledbetter, B., Banks, R. J., & Greenhalgh, D. C. (2017). Does spirituality make a difference in leadership? *Grazidio Business Review*, 20(3).

Legal Aid Services of Oklahoma. (2024). *Tribal law*. OK Law. Retrieved January 10, 2024, from <https://oklaw.org/issues/tribal-law>

Legal Services Corporation. (2022). *The 2022 justice gap study* [Report]. <https://justicegap.lsc.gov/the-report/>

Levitt, H. M., Morrill, Z., Collins, K. M., & Rizo, J. L. (2021). The methodological integrity of critical qualitative research: Principles to support design and research review. *Journal of Counseling Psychology*, 68(3), 357–370. <https://doi.org/10.1037/cou0000523>

Library of Congress. (2019). *Compromise of 1850: primary documents in America history*. Retrieved January 26, 2024, from <https://guides.loc.gov/compromise-1850>

Library of Congress. (2020, April 1). *Residence Act: primary documents in American history*. Retrieved January 9, 2024, from <https://guides.loc.gov/residence-act>

Logan, M. (2015). Human trafficking among Native Americans: how jurisdictional and statutory complexities present barriers to combating modern-day slavery. *American Indian Law Review*, 40(2), 293–324.

Louisiana Purchase Treaty, April 30, 1803.

Lowney, C. (2005). *Heroic leadership: Best practices from a 450-year-old company that changed the world* (1st ed.). Loyola Press.

Lowney, C. (2010). *Heroic living: discover your purpose and change the world*. Loyola Press.

Lucchesi, A., & Echo-Hawk, A. (2018). *Missing and murdered Indigenous women & girls: a snapshot of data from 71 urban cities in the United States* (Our bodies, our stories). Urban Indian Health Institute.

Lundgren, R. E., & McMakin, A. H. (2013). *Risk communication: A handbook for communicating environmental, safety and health risks*. Wiley.

Madison, J. (1788). *The powers conferred by the Constitution further considered* (The Federalist Papers, No. XLII).

Maine Indian claims settlement, 25 U.S.C. § 1725(a) (1982).

Mallonee, M. (2021). Selective justice: a crisis of missing and murdered Alaska Native women. *Alaska Law Review*, 38, 93–120.

Martin, J. (2010). *The Jesuit guide to almost everything: a spirituality for real life*. Harper One.

- Martin, R. L. (2007). *The opposable mind: How successful leaders win through integrative thinking* (1st ed.). Harvard Business Review Press.
- McGirt v. Oklahoma, 591 U.S. \_\_\_\_ (2020).
- McKinley Research Group. (2022). *Bering Strait community needs assessment* (Project Prepared for Kawerak, Inc.) [Report]. <https://kawerak.org/download/bering-strait-community-needs-assessment-2021/>
- Mendoza, E. (2020). Jurisdictional transparency and Native American women. *California Law Review Online*, 11(101), 141–165.
- Mertens, D. M. (2009). *Transformative research and evaluation*. Guilford.
- Minimum Standards for Village Police Officers, Alaska Admin Code 13 AAC 89 (1981). <https://www.akleg.gov/basis/aac.asp#13.89>
- Modras, R. (2004). *Ignatian humanism*. Loyola Press.
- Monchalin, L., Marques, O., Reasons, C., & Arora, P. (2019). Homicide and Indigenous peoples in North America: a structural analysis. *Aggression and Violent Behavior*, 46, 212–218.
- Montana v. United States, 450 U.S. 544 (1981).
- Morton v. Mancari, 417 U.S. 535 (1974).
- National Archives Records Administration. (1789). *America's Founding documents* (The Constitution of the United States).
- National Archives Records Administration. (2019, May 19). *Oklahoma Statehood, November 16, 1907*. National Archives. Retrieved February 6, 2024, from <https://www.archives.gov/legislative/features/oklahoma>

National Archives Records Administration. (2022, May 10). *Federal Judiciary Act*.

National Archives. Retrieved December 29, 2023, from

<https://www.archives.gov/milestone-documents/federal-judiciary-act>

National Congress of American Indians. (2018). *VAWA 2013's special domestic violence criminal jurisdiction (SDVCJ): Five year report* (Project supported by grant #2013-TA-AX-K011 by the Office of Violence Against Women).

National Congress of American Indians. (2020). *Tribal Nations and the United States: An introduction*. NCAI.

National Congress of American Indians Policy Research. (2021). *Research policy update* (Effective November 12, 2021) [Policy brief update]. NCAI PRC.

National Congress of American Indians Policy Research Center. (2021). *Research policy update: state of the data on violence against American Indian and Alaskan Native women and girls*. NCAI.

National Indian Health Board. (2019). *The health impacts of violence against American Indian and Alaskan Native women and girls*.

National Institute of Justice. (2016). *Violence against American Indian and Alaskan Native women and men: 2010 findings from the national intimate partner and sexual violence survey* (NCJ 249736) [Report]. U.S. Department of Justice.

National Missing and Unidentified Persons System. (n.d.). *What is NamUs?* NamUs

National Missing and Unidentified Persons System. <https://namus.nij.ojp.gov/>

National Park Service. (2020, September 30). *Alaska*. Retrieved November 27, 2023, from <https://www.nps.gov/state/ak/index.htm>

Native Village of Venetie IRA Council v. State of Alaska, 944 F.2d 548 (9th Cir. 1991).

Northern California Intertribal Court System. (2017). *Tribal Law*.

<https://www.tribalcourt.org/laws-ordinances>. Retrieved January 26, 2024, from

Northern California Tribal Court Coalition. (2022). *Tribal Court Resources*. Retrieved

January 26, 2024, from <https://netcc.org/tribal-court-resources/>

Northouse, P. G. (2018). *Leadership: Theory and practice* (8th ed.). Sage.

Northwest Artic Borough. (2024). *Public safety in the Northwest Artic Borough*.

Nwabor.org. Retrieved January 12, 2024, from

<https://www.nwabor.org/administration/public-safety/vpso-program/>

Not Invisible Act Commission. (2023). *Not one more: findings and recommendations of*

*the Not Invisible Act Commission* [Report]. [chrome-](#)

[extension://efaidnbmnnnibpcajpcgiclfndmkaj/https://www.justice.gov/d9/2023-](extension://efaidnbmnnnibpcajpcgiclfndmkaj/https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf)

[11/34%20NIAC%20Final%20Report\\_version%2011.1.23\\_FINAL.pdf](11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf)

Not Invisible Act, Pub. L. No. 116-166, 134 Stat. 766 (2020).

Nullens, P. (2019). From spirituality to responsible leadership: Ignatian discernment and

theory-u. In J. Kok & S. C. van den Heuvel (Eds.), *Leading in a vuca world:*

*integrating leadership, discernment and spirituality (contributions to management science)* (pp. 185–206). Springer.

O'Connor, S. D. (2013). Lessons from the third sovereign: Indian tribal courts. *Tulsa Law*

*Review*, 33, 1–6.

O'Malley, J. W. (1993). *The first Jesuits* (First ed.). Harvard University Press.

Offenses committed within Indian country, 18 U.S.C. § 1153 (1885).

- Office for Access to Justice, U.S. Department of Justice. (2021, May 18). *Publications and research* [Memoranda]. Justice.gov. <https://www.justice.gov/atj/publications-and-research>
- Office of Public Affairs. (2022, December 1). *FBI and Bureau of Indian Affairs sign agreement to improve law enforcement in Indian country* [Press release]. <https://www.justice.gov/opa/pr/fbi-and-bureau-indian-affairs-sign-agreement-improve-law-enforcement-indian-country>
- Office of the Attorney General. (2023, September 21). *Justice Department Tribal Access Program will continue to improve the exchange of critical data* [Press release]. Department of Justice, Office of Public Affairs. <https://www.justice.gov/opa/pr/justice-department-tribal-access-program-will-continue-improve-exchange-critical-data>
- Office of the Inspector General. (2017). *Review of the department's tribal law enforcement efforts pursuant to the Tribal Law and Order Act of 2010* (Evaluation and Inspection Division 18-01).
- Office on Violence Against Women. (2020). *2020 Biennial report to Congress on the effectiveness of grant programs under the Violence Against Women Act* [Report to Congress].
- Office on Violence Against Women. (2021). *FY 2022 President's budget for the Office on Violence against Women*. <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/ovwfy2022indiancountry.pdf>

Oglala Sioux Tribe v. United States of America, No. 24-cv- 5004 (D.S.D. filed Jan. 24, 2024).

Oklahoma. (1891). *The statutes of Oklahoma, 1890* (Making of modern law, Electronic Resource). State Capital Print. <https://searchworks.stanford.edu/view/11633796>

Oklahoma Indian Welfare Act, Pub. L. No. 74-816 (1936).

Oklahoma Secretary of State. (2024, February 16). *Tribal compacts and agreements*. Retrieved February 16, 2024, from <https://www.sos.ok.gov/gov/tribal.aspx>

Oklahoma State Bureau of Investigations. (2024). *Offender data information system*. State of Oklahoma. Retrieved January 16, 2024, from <https://osbi.ok.gov/services/law-enforcement-programs/odis>

Oklahoma v. Castro Huerta, 597 U.S. \_\_\_\_ (2022).

Oklahoma v. Hobia, Case No. 12-CV-054- GKF-TLW (N.D. Okla. 2012).

Oliphant v. Suquamish Indian Tribe, 435 U.S. 191 (1978).

Orange County Sheriff's Department. (2024). *San Clemente*. Retrieved January 18, 2024, from <https://www.ocsheriff.gov/patrol-areas/san-clemente>

Pisarello, L. E. (2010). Lawless by design: jurisdiction, gender and justice in Indian Country. *Emory Law Journal*, 59(6), 1515–1552.

Pollet, S. L. (2010). Still a patchwork quilt: A nationwide survey of state laws regarding stepparent rights and obligations. *Family Court Review*, 48(3), 528–540.

Price, T. L. (2008). *Leadership ethics: An introduction* (1st ed.). Cambridge University Press.

Prucha, F. P. (1970). *American Indian policy in the formative years: the Indian Trade and Intercourse Acts, 1790-1834* [University of Nebraska].

Prucha, F. P. (Ed.). (2000). *Documents of United States Indian policy* (3rd ed.).

University of Nebraska.

Pudlo, J. M., & Ellis, W. C. (2021). *McGirt v. Oklahoma victim impact report* (DJO-

BJA-16-G-0201) [Report]. Oral Roberts University.

<https://da.tulsacounty.org/docs/08.22.21-McGirt-Final-Report%20-%20Disclaimer%20Added.pdf>

Quasius, M. (2009). Native American rape victims: desperately seeking an Oliphant-fix.

*Minnesota Law Review*, (563), 1902–1941.

<https://scholarship.law.umn.edu/mlr/563>

Rath, T. (2013). *Strengths based leadership: great leaders, teams, and why people follow*.

Gallup Press.

Retrocession of jurisdiction Omaha Reservation, Neb. Laws 1467 (1969).

Retrocession of jurisdiction Santee Sioux Reservation, Neb. Laws 2314 (2001).

Retrocession of jurisdiction Winnebago Reservation, Neb. Laws 87 (1986).

Revised Code of Washington, Wash. Rev. Code § 37.12.010 et seq. (1957 & rev. 1963, 2011).

Rhode Island Indians Claims Settlement Act, Pub. L. No. 95-395 (1978).

Roger Smith, as Administrator of the Estate of Ellerick Smith, et al. v. United States of America, et al., 515 F. Supp. 56 (N. D. Cal. 1978).

Rose Institute of State and Local Government. (2018). *A broken justice system:*

*examining the impact of the Tribal Law and Order Act of 2010 and Public Law*

280 [Report].

Rosebud Sioux Tribe v. State of S.D., 709 F. Supp. 1502 (U.S. District Court of South Dakota 1989), *rev'd*, 900 F.2d 1164 (8th Cir. 1990).

Rothausen, T. J. (2017). Integrating leadership development with Ignatian spirituality: A model for designing a spiritual leader development practice. *Journal of Business Ethics*, 145, 811–829. <https://rdcu.be/b6z3r>

Saldaña, J. (2016). *The coding manual for qualitative researchers* (3rd ed.). Sage.

San Joaquin or Big Sandy Band of Indians, et al. v. James Watt, et al. F. Supp. \_\_\_\_ (N. D. Cal. 1983).

Savanna's Act, Pub. L. No. 116-165, 134 Stat. 760 (2020).

Schroeder, M. (2021). The Stanford encyclopedia of philosophy. In E. N. Zalta (Ed.), *Value theory*. Metaphysics Research Lab.

<https://plato.stanford.edu/archives/fall2021/entries/value-theory/>

SD Missing Persons Clearinghouse. (2024). *South Dakota missing persons*. Missing Persons Clearinghouse. Retrieved February 5, 2024, from <https://missingpersons.sd.gov/#search>

Slagle, A. (1989). Unfinished justice: Completing the restoration and acknowledgement of California Indian tribes. *American Indian Quarterly*, 13(4), 325–345.

South Dakota Attorney General. (2024). *Murdered Indigenous persons on Indian country 2023*. <chrome-extension://efaidnbmnnnibpcajpegglclefindmkaj/https://atg.sd.gov/docs/Murder%20Investigations%20on%20Indian%20Country%20FBI.pdf>

South Dakota Codified Laws 1-1-12-1-1-16; 1-1-18-1-1-21 (1985).

South Dakota Codified Laws 31-1-1 (1939).

South Dakota Department of Public Safety. (2023). *Safety & enforcement*. Dps.sd.gov.

Retrieved February 6, 2024, from <https://dps.sd.gov/safety-enforcement/sd-lets>

South Dakota Office of the Attorney General. (2023). *Crime in South Dakota* [Report].

[chrome-](#)

<extension://efaidnbmnnnibpcajpcgiclfndmkaj/https://sdcrime.nibrs.com/Publication/Archived/-2.Crime%20in%20South%20Dakota%202023.pdf>

Stackman, R. W., & Connor, K. R. (2016). The management exercises: A way forward with purpose. *Jesuit Higher Education*, 5(2), 40–55.

<https://epublications.regis.edu/cgi/viewcontent.cgi?article=1169&context=jhe>

Stake, R. E. (2006). *Multiple case study analysis*. Guilford.

State Jurisdiction over offenses committed by or against Indians in the Indian Country, 18

U.S.C. § 1162 (1953).

State of California, Commission on Peace Officers Standards and Training. (2024).

*California law enforcement agency*. Ca.gov. <https://post.ca.gov/le-agencies>

State of Oklahoma. (2023, December 22). *Governor Stitt forms One Oklahoma Task*

*Force to confront the continued impact of McGirt* [Executive Order]. Retrieved

January 8, 2024, from

<https://oklahoma.gov/governor/newsroom/newsroom/2023/december2023/governor-stitt-forms-one-oklahoma-task-force-to-confront-the-con.html>

State of Oklahoma House of Representatives. (2023, November 1). *Kasey alert system*

*takes effect*. Oklahoma House of Representatives. Retrieved November 27, 2023,

from [https://www.okhouse.gov/posts/news-20231101\\_1](https://www.okhouse.gov/posts/news-20231101_1)

Stetson, C. B. (1981). Decriminalizing tribal codes: a response to Oliphant. *American Indian Law Review*, 9(1), 51–81. [www.jstor.org/stable/20068185](http://www.jstor.org/stable/20068185)

SWO. Codes of Law. Resolution No. SWO-15-018, March 5, 2015, <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.swo-nsn.gov/wp-content/uploads/Ch-52-Domestic-Violence-Ordinance-final.pdf>

Tamborelli, D. (2020). Beyond VAWA: localism as an argument for full tribal criminal jurisdiction. *Boston University Law Review*, 100, 305–347.

Texas Band of Kickapoo Act, Pub. L. No. 97-429 (1983).

The American Indian Religious Freedom Act, 42 U.S.C. § 1996 (1978 & rev. 1994).

The California Rancheria Termination Act of 1958, Pub. L. No. 85-671, 72 Stat. 619 (1958).

The Catawba Indian Tribe of South Carolina Land Claims Settlement Act of 1993, Pub. L. No. 103-116 (1993).

The Freedom of Information Act, 5 U.S.C. § 552 (1967 & rev. 2016).

The General Crimes Act, 18 C.F.R. § 1152 (1817).

The Indian Civil Rights Act of 1968, 25 U.S.C. § 1301 *et seq.* (1968).

The Judicial Branch of California. (2024a). *California tribal communities*. Judicial Council of California. Retrieved January 25, 2024, from <https://www.courts.ca.gov/3066.htm>

The Judicial Branch of California. (2024b). *Tribal justice systems*. Judicial Council of California. Retrieved January 23, 2024, from <https://www.courts.ca.gov/3064.htm>

The Menominee Restoration Act, Pub. L. No. 93-197 (1973).

- The National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research. (1979). *The Belmont report: Ethical principles and guidelines for the protection of human subjects of research* (DHEW 78-0014) [Report].
- The Tribal Law and Order Act of 2010, Pub. L. No. 111-211 (2010).
- The U.S. National Archives. (2022, February). *Dawes record of the five civilized tribes: Cherokee, Chickasaw, Choctaw, Creek, and Seminole tribes in Oklahoma*. American Indian records in the National Archives.  
<https://www.archives.gov/research/native-americans/dawes/background.html>
- Thomas, G. (2021). *How to do your case study* (3rd ed.). Sage.
- Tilghman-Havens, J. (2020). The Ignatian leader as global citizen. *Jesuit Higher Education*, 9(1), 54–64.
- Tillie Hardwick, et al. v. United States of America, et al. F. Supp. \_\_\_\_ (N. D. Cal. 1983).
- Tribal council as governing body; powers and duties, Fla. Stat. 285.18 (2)(c) (1961).
- Trueblood, D. E. (1996). *A life of search*. Friends United Press.
- Trueblood, K. (2021). Integration of Ignatian principles in emergency and disaster management education. *International Journal of Disaster Response and Emergency Management*, 4(2), 17–34.
- Trueblood, K., Trueblood, T., & Prairie Chicken, C. A. (2023, August 17). *The California Rancheria Termination Act of 1958: the continuous assertion of tribal governments for self determination* [Paper presentation]. The World Conference in Social Sciences, Los Angeles, CA, United States.

<https://www.dpublication.com/conference-proceedings/index.php/worldcss/article/view/99/130>

2010 Haiti Earthquake. (2018). [https://en.wikipedia.org/wiki/2010\\_Haiti\\_earthquake](https://en.wikipedia.org/wiki/2010_Haiti_earthquake)

U.S. Census. (2021). *California: 2020 Census*. Census.org. Retrieved January 26, 2024, from <https://www.census.gov/library/stories/state-by-state/california-population-change-between-census-decade.html>

U.S. Census Bureau. (2021). *Alaska 2020 Census* [Report].

<https://www.census.gov/library/stories/state-by-state/alaska-population-change-between-census-decade.html>

U.S. Commission on Civil Rights. (2003). *A quiet crisis: federal funding and unmet needs in Indian Country* [Report]. USCCR.

U.S. Commission on Civil Rights. (2018). *Broken promises: Continuing federal funding shortfall for Native Americans* [Briefing Report].

U.S. Congress. (1952). *United States Code: Articles of Confederation - 1777* [Periodical].

U.S. Const. art. I, § 8.

U.S. Department of Justice Office of Justice Programs. (2005). *Public law 280 and law enforcement in Indian Country* (NCJ 209839) [Research in Brief]. Department of Justice.

U.S. Department of Justice Office on Violence Against Women. (2020). *Conferral on the Violence Against Women Act 2018-2019* [Report to Congress].

U.S. Department of Justice, Office on Violence Against Women. (2021). *Government to government tribal consultation* [Report of Proceedings].

- U.S. Department of Justice, Office on Violence Against Women. (2021). *OVW fiscal year 2021 grants to Tribal governments to exercise special domestic violence criminal jurisdiction solicitation* (OMB No. 1122-0020).
- U.S. Department of Justice Office on Violence Against Women. (2023). *2023 Update on the status of tribal consultation recommendations* [Annual Report of Proceedings]. <https://www.ovwconsultation.org/>
- U.S. Department of the Interior. (n.d.). *Court of Indian offenses* [[https://www.bia.gov/CFRCourts#:~:text=Courts%20of%20Indian%20Offences%20\(CFR,to%20fully%20exercise%20that%20jurisdiction.](https://www.bia.gov/CFRCourts#:~:text=Courts%20of%20Indian%20Offences%20(CFR,to%20fully%20exercise%20that%20jurisdiction.)]. U.S. Department of the Interior, Indian Affairs.
- U.S. Department of the Interior. (2021, March 16). *Statement from Deb Haaland on becoming the 54th Interior secretary*. U.S Department of the Interior. <https://www.doi.gov/news/statement-deb-haaland-becoming-54th-interior-secretary>
- U.S. Department of the Interior, Office of Inspector General. (January 2002). *Disquieting state of disorder: an assessment of Department of the Interior law enforcement* (#2002-I-0014) [Report]. DOI.
- Umatilla Reservation Retroceded, 44 F.R. 2195 (1981).
- United States Attorney's Office District of South Dakota. (2021). *Community prosecution strategy overview*. <chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://www.justice.gov/usao-sd/page/file/1369511/dl?inline>

United States Government Accountability Office. (2019). *Tribal programs resource constraints and management weaknesses can limit federal delivery to Tribes* (GAO-20-270T).

United States Government Accountability Office. (2021). *Missing and murdered Indigenous women: New efforts are underway but opportunities exist to improve federal response* (GAO-22-104045). GAO.

United States Institute of Peace. (n.d.). *Necessary condition: access to justice*. Retrieved September 1, 2023, from <https://www.usip.org/guiding-principles-stabilization-and-reconstruction-the-web-version/rule-law/access-justice>

United States Office of Indian Affairs. (2018). *Fifty-eight annual report of the commissioner of Indian affairs to the Secretary of the Interior* [Classic Reprint]. Forgotten Books. (Original work published 1889)

United States v. Cooley, 593 U.S. \_\_\_\_ (2021).

United States v. Lara, 541 U.S. 193 (2004).

United States v. McBratney, 104 U.S. 621 (1881).

United States v Sioux Nation of Indians, et al., 448 U.S. 371 (1980).

United States v. Wheeler, 435 U.S. 313 (1978).

Urging the Bureau of Indian Affairs (BIA) law enforcement to establish a law enforcement training academy in South Dakota, House Concurrent Resolution 6011 (2024). <https://sdlegislature.gov/Session/Bill/25296>

Van Saane, J. (2018). Personal leadership as form of spirituality. In J. Kok & S. C. van den Heuvel (Eds.), *Leading in a VUCA world: integrating leadership*,

*discernment and spirituality. Contributions to management science* (pp. 43–58).

Springer. [https://doi.org/10.1007/978-3-319-98884-9\\_3](https://doi.org/10.1007/978-3-319-98884-9_3)

Varsanyi, M. W., Lewis, P. G., Provine, D. M., & Decker, S. (2012). A multilayered jurisdictional patchwork: Immigration federalism in the United States. *Law & Policy*, 34(2), 138–158.

Village and Regional Public Safety Officers, Alaska Stat § 18.65.670-688 (1979).

<https://www.akleg.gov/basis/statutes.asp#18.65.670>

Violence Against Women Act, Pub. L. No. 103-322 (1994).

Violence Against Women Act Reauthorization Act of 2022, Pub. L. No. 117-103, 136 Stat. 49 (2022).

Violence Against Women Reauthorization Act of 2005, Pub. L. No. 109-162 (1994 & rev. 2006).

Violence Against Women Reauthorization Act of 2013, Pub. L. No. 113-4 (1994 & rev. 2013).

Wakeling, S., Jorgensen, M., & Michaelson, S. (2001). Policing on American Indian reservations. *National Institute of Justice Journal*.

Walker, J. E. (1881). *Campaigns of General Custer in the North-west, and the final surrender of Sitting Bull* [PDF]. Jenkins & Thomas, printers.

<https://www.loc.gov/item/11034820/>

Wassenaar, C. L., & Pearce, C. L. (2018). Shared Leadership. In J. Antonakis & D. V. Day (Eds.), *The nature of leadership* (3rd ed., pp. 167–188). Sage.

Watson, D. (2023). Issues in implementing special domestic violence criminal jurisdiction in Alaska's tribal courts. *Alaska Law Review*, 40(1), 1–27.

- White, E. M. (2012). *Interior vs. war: the development of the Bureau of Indian Affairs and the transfer debates 1849-1880* [Master's thesis, James Madison University]. JMU Scholarly Commons. [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://commons.lib.jmu.edu/cgi/viewcontent.cgi?article=1379&context=master201019](https://commons.lib.jmu.edu/cgi/viewcontent.cgi?article=1379&context=master201019)
- Wilkins, D. E. (1994). The U.S. Supreme Court's explication of "federal plenary power": an analysis of case law affecting tribal sovereignty, 1886-1914. *The American Indian Quarterly*, 18(3).
- Wilkinson, C. F., & Biggs, E. R. (1977). The evolution of the termination policy. *American Indian Law Review*, 5(1), 139–184.
- Within special maritime and territorial jurisdiction, 18 U.S.C. § 661 (1948).
- Wood, W. (2008). The trajectory of Indian Country in California: Rancherias, villages, pueblos, missions, ranchos, reservations, colonies, and rancherias. *Tulsa Law Review*, 44(2), 317–363.
- Worcester v. Georgia, 31 U.S. 515 (1832).
- World Health Organization. (2021). *Violence against women prevalence estimates, 2018: global, regional and national prevalence estimates for intimate partner violence against women and global and regional prevalence estimates for non-partner sexual violence against*. <https://www.who.int/publications/i/item/9789240022256>
- Wunder, J. R. (2000). "Merciles Indian savages" and the Declaration of Independence: Native Americans translate the ecunnaunuxgelgee document. *American Indian Law Review*, 25(1), 65–92.

Yin, R. K. (2018). *Case study research and applications: design and methods* (6th ed.).

Sage.

Ysleta Del Sur Pueblo and Alabama and Coushatta Indian tribes of Texas Restoration

Act, Pub. L. No. 100-89 (1987).

## Appendix A

### IRB Determination Information

DETERMINATION DATE: 10-Jan-2024  
TO: Karim Trueblood  
FROM: Social & Behavioral IRB  
PROJECT TITLE: Tribal Criminal Jurisdictional Authority  
REVIEW CATEGORY: Exempt  
RISK LEVEL: Minimal Risk  
SUBMISSION #: 2004498-01  
SUBMISSION TYPE: Initial Application  
REVIEW METHOD: Exempt  
DETERMINATION: Exempt

Thank you for your Initial Application submission materials for this project. The following items were reviewed in this submission:

- Protocol
- Subject facing materials

This project has been determined to be exempt from Federal Policy for Protection of Human Subjects as per 45 CFR 46.104(d)(2)(iii). You may commence the research project.

As an exempt study, there is no requirement for continuing review. Your protocol will remain on file with the IRB as a matter of record. Although your study is exempt from continuing review, you and your research team are not exempt from ethical research practices and should therefore employ all protections for your participants and their data which are appropriate to your project.

The following conditions apply to all IRB submissions:

1. No subjects may be involved in any study procedure prior to the IRB approval date.
2. Only the Consent/Information Sheet/Assent/Parental Permission forms and recruitment materials submitted with this review may be used.
3. All protocol modifications must be IRB reviewed prior to implementation. This includes any change of investigator or site address.
4. All recruitment materials and methods must be reviewed by the IRB prior to being used.

Should any changes need to be made, please submit a **Request for Modification** within InfoEd. Any changes to the application may cause this protocol to require a different level of IRB review.

While not required, when the above-referenced protocol has been completed, please submit a **Request for Study Closure**. Please be advised you will be asked to update the status of your research yearly by responding to an email from the IRB office. If you do not respond, your project will be considered completed and closed.

We will retain a copy of this correspondence with our records.

If you have questions, please contact the IRB Office at 402-280-2126 or [irb@creighton.edu](mailto:irb@creighton.edu). Please include your protocol title and number in all correspondence with the office.

To improve turnaround times for investigators, the IRB is transitioning from hardcopy (PDF) to electronic (email) determination letters.

*If you need a hardcopy determination letter (to provide to a sponsor, grant funder, or outside IRB, etc.) please notify the IRB by sending an email to [IRB@creighton.edu](mailto:IRB@creighton.edu). To ensure prompt attention to your request, please use "Request for Hardcopy Approval Letter for Protocol 200XXXX" in the subject line of your email and include the complete protocol number for your study. Unless you request a hardcopy approval letter for your submission from the IRB, the communication below will serve as documentation of IRB review and approval. You may save a copy of this email as a PDF and retain it with your study file as necessary.*

Note. The IRB/IBC Research Compliance Office determined the study to be Exempt from the Federal Policy for the Protection of Human Subjects (IRB/IBC Administrator, Research Compliance Office, Creighton University, personal communication, January 10, 2024).

**Appendix B****Interview Protocol****Experts' Perspectives and Proposed Solutions to the Tribal Criminal Jurisdictional  
Authority Inconsistencies Problem****Date:****Location:****Interviewer Name:****Interviewee Name:****Position of Interviewee:**

Thank you for choosing and agreeing to participate in this research study. Have you received and do you understand the Research Information Sheet? Do you have any questions at this time?

The purpose of this research study is to explore how patchwork legislation and policies affect the safety and ability to access justice of Indigenous people residing in Public Law 280 and Non-Public Law 280 jurisdictions. The term "patchwork" refers to the inconsistencies in laws at the federal, state, and tribal levels that affect the criminal jurisdictional authority of tribes.

You have been invited to participate in this research study because of your expertise as an attorney on American Indian Law. As a subject matter expert, you will be instrumental in providing strategic perspectives and industry-relevant recommendations to address the impact of tribal criminal jurisdictional authority on Indigenous people's safety and access to justice. Your professional knowledge will guide the researcher's proposed solutions. It is important to note that this study is solely for research purposes.

This study is considered minimal risk research, which means that participating in this study will not expose you to any greater risks than the ones you usually encounter in your professional daily life.

However, it is essential to note that participating in any research study might have some risks to your privacy and confidentiality. To mitigate these risks, several measures have been put in place. Firstly, your real name will not be recorded; a pseudonym will be used throughout the research process. Secondly, only the Principal Investigator (PI) can schedule and conduct interviews, ensuring that the expert's identity is not revealed. Additionally, the information collected during the study will be stored in password-protected files, and the software used for qualitative analysis will be encrypted to ensure the confidentiality of your data.

It's important to note that participating in this study may or may not directly benefit you. However, your involvement can help researchers understand how inconsistent tribal criminal jurisdiction affects the safety and access to justice for Indigenous people.

Participants are kindly invited to express their agreement to participate in this research study verbally. They must understand that their voluntary involvement is crucial, and they may withdraw at any time without any negative consequences. Furthermore, participants provided their consent by continuing the interview process.

If you decide to continue with the interview, participation is voluntary. You can stop at any time and are not obligated to answer all questions.

It is anticipated that the interview will last for about 60 minutes. I appreciate your time. Please let me know if you need a break at any time.

Do you have any questions at his time?

Before I start interviewing you, I would like to acknowledge the use of the term Indigenous people; Indigenous people will be implemented with respect, awareness, and recognition of the diverse ethnicity and languages, rich history, and unique cultures and experiences of the 574 federally recognized Indian Nations and their Citizens.

## **Interview Questions**

### **Background**

1. What is your tribal affiliation or relationship?
2. Do you live on or near a reservation?
3. Where do you live?
4. Did you grow up on a reservation?
5. Where did you grow up?
6. What are your areas of specialization/practice areas?
7. Do you currently or in the past have represented tribes, Indigenous people, or Indigenous issues/causes/initiatives? If yes, please share your experience representing tribes, Indigenous people, or Indigenous issues.

### **Context**

8. What is your understanding of the current issue of Missing and Murdered Indigenous People (MMIP)?
9. What is your experience with MMIP or issues related to it?
10. What is your understanding of the federal government's roles pertaining to MMIP?
11. What is your understanding of the roles of state governments pertaining to MMIP?
12. What is your understanding of the roles of tribal governments pertaining to MMIP?
13. Tell me about your perspective on tribal criminal jurisdictional inconsistencies.

14. How do PL-280 and checkerboard jurisdiction affect the issue?
15. What do you think has changed since the enactment of Savanna's Act?
16. What is your perspective on the Non-Invisible Act? From your perspective, has it had any impact?
17. How do you think the issue of MMIP became a crisis?
18. What is the impact of the Indian Civil Rights Act of 1968 on MMIP?
19. What operational problems are you aware of (law enforcement, data sharing, victim and families' services, tribal governance issues, etc.)?

### **Proposed Solutions**

20. What is the most efficient way to solve this issue in a perfect world?
21. What federal legislative changes can be made to address this issue?
22. How does shared state and tribal jurisdiction hinder or help the problem?
23. What would be the impact of affording tribes full criminal jurisdiction?
24. Would a uniform tribal court system improve the issue?
25. How can tribes attain a consistent judicial system?
26. How would promoting a uniform framework like the Model Tribal Secured Transactions Act be an option to advance full tribal jurisdiction?
27. Are there any suggestions for legislative change you would like to be considered?

### **Additional Guiding Questions for Increased/Clarification of Engagement**

- Can you please tell me more about \_\_\_\_\_?
- How does \_\_\_\_\_ make you feel?
- How would you compare \_\_\_\_\_?
- What further information can support that idea or perspective?
- Can you analyze or explain the impact of \_\_\_\_\_?
- Can you provide an example?
- How can \_\_\_\_\_ impact the issue?
- What else can be done about \_\_\_\_\_?
- How are \_\_\_\_\_ related?
- How can we provide ways to solve \_\_\_\_\_?

### **Researcher Notes**

## Appendix C

### Research Information Sheet



## Research Information Sheet

---

### Tribal Criminal Jurisdictional Authority Impact on Indigenous People's Safety and Access to Justice: A Multiple-Case Study

#### Introduction

You have been invited to take part in a research study. The purpose of this information sheet is to assist you in making an informed decision about whether or not to participate. It is entirely up to you whether or not you want to take part. Participation in this study is completely voluntary. If you decide to participate but later change your mind, you are free to withdraw from the study at any time without any penalty. Similarly, if you choose not to participate or withdraw from the study before it ends, you will not be disadvantaged in any way.

Please ask the researcher to explain any words or procedures with which you are unfamiliar. You may ask questions for clarification at any time.

#### Study Summary

This research aims to explore how patchwork legislation and policies affect tribal criminal jurisdictional authority regarding violence against Indigenous people. As an attorney with expertise in this area, you are invited to participate in this study. Please note that this research is for academic purposes only. If you choose not to participate, you can simply decline the invitation.

If you decide to participate in this study, you will be asked to meet with the Principal Investigator (PI) and provide your expert opinion regarding tribal criminal jurisdictional authority. The interviews can be in-person at **1701 Pennsylvania Ave NW, Suite 200, Washington, DC 20006**, or via **Zoom** at your earliest convenience.

Participants will be invited to verbally express their agreement to participate in this research study. Understanding voluntary involvement is crucial, and participants may withdraw at any time without any negative consequences.

It is anticipated that the interview will last for about 60 minutes.

**Risks and Benefits of Participation**

This study is considered minimal risk research, which means that participating in this study will not expose you to any greater risks than the ones you normally encounter in your professional daily life.

However, it is important to note that participating in any research study might come with some risks to your privacy and confidentiality. To mitigate these risks, several measures have been put in place. Firstly, your real name will not be recorded; a pseudonym will be used throughout the research process. Secondly, only the Principal Investigator (PI) will have access to scheduling and conducting interviews, thereby ensuring that the expert's identity is not revealed. Additionally, the information collected during the study will be stored in password-protected files, and the software used for qualitative analysis will be encrypted to ensure the confidentiality of your data.

It's important to note that participating in this study may or may not directly benefit you. However, your involvement can help researchers understand how inconsistent tribal criminal jurisdiction affects the safety and access to justice for Indigenous people.

**Compensation**

You will not be compensated for your participation in this study.

**What Will Happen to My Identifiable Private Information and/or Biospecimens?**

Although we are asking for your name, sex, and tribal affiliation or relationship, it is unlikely that someone could identify you because only the PI that arranges and conducts the interview will have access to the disclosed information, your name will not be recorded, and a pseudonym will be used at all stages of research.

**Contact Information**

If you have questions or concerns about this study, please contact the PI, Karim Trueblood, at 703-677-0145 or via email at [KarimTrueblood@Creighton.edu](mailto:KarimTrueblood@Creighton.edu). If you have questions about research participants' rights, contact the Creighton University Institutional Review Board (CU IRB) at 402-280-2126.

By choosing to participate in this study, I acknowledge or am aware that:

- The researcher(s) discussed the study with me and answered all my questions.
- I can contact the study team or the CU IRB using the contact information provided above if I have any questions or concerns about the study.

**Bill of Rights for Research Participants**

**As a participant in a research study, you have the right:**

- 1. To have enough time to decide whether or not to be in the research study, and to make that decision without any pressure from the people who are conducting the research.**

- 2. To refuse to be in the study at all, or to stop participating at any time after you begin the study.**
- 3. To be told what the study is trying to find out, what will happen to you, and what you will be asked to do if you are in the study.**
- 4. To be told about the reasonably foreseeable risks of being in the study.**
- 5. To be told about the possible benefits of being in the study.**
- 6. To be told whether there are any costs associated with being in the study and whether you will be compensated for participating in the study.**
- 7. To be told who will have access to information collected about you and how your confidentiality will be protected.**
- 8. To be told whom to contact with questions about the research, about research-related injury, and about your rights as a research participant.**
- 9. If the study involves treatment or therapy:**
  - a. To be told about the other non-research treatment choices you have.**
  - b. To be told where treatment is available should you have a research-related injury, and who will pay for research-related treatment.**

**Appendix D**

**PL 280 and Optional PL 280**

State	Date	Authority
Alaska*	1959	State jurisdiction except the Metlakatla Indian Community (MIC). The MIC is the only reservation in Alaska as result of having opted out of the ANCSA(1971) and retain the rights to land and water (18 U.S.C § 1162, 1953).
California*	1953	The state assert jurisdiction over all its territory to include Indian Country (18 U.S.C. § 1162, 1953).
Colorado	1984	Colorado extended jurisdiction over the Town of Ignacio within the Southern Ute Reservation (PL 98-290, 1984).
Connecticut	1983/1994	The state has jurisdiction over the Mashantucket Pequot Reservation (PL 98-134, 1983), and over the Mohegan Tribe of Indians of Connecticut (25 U.S.C. § 1775, 1994).
Florida®	1961	Florida is the only optional state to assume full jurisdiction in the same level as mandatory PL 280 states (Civil and criminal jurisdiction; Indian reservation, 1961).
Idaho®	1963	The state has assumed jurisdiction over the following enumerated matters: <ul style="list-style-type: none"> <li>• Compulsory school attendance</li> <li>• Juvenile delinquency and youth rehabilitation</li> <li>• Dependent, neglected, and abused children</li> <li>• Insanities and mental illness</li> <li>• Public assistance</li> <li>• Domestic relations</li> <li>• Operation and management of motor vehicles upon highways and roads maintained by the county or state, or political subdivisions thereof.</li> </ul> Additionally, the state may assume expanded jurisdiction with tribal consent (Jurisdiction in Indian Country, 1963).
Kansas	1948	The state has full jurisdiction over all its territory to include Indian country. Does not exclude federal jurisdiction when applicable (18 U.S.C. § 3243, 1948).
Maine	1982	State jurisdiction except the Passamaquoddy or Tribe, the Penobscot Nation (Main Indian claim settlement, 1982).
Massachusetts	1987	State jurisdiction over the Wampanoag Tribal Council of Gay Head, Inc (Wampanoag Tribal Council of Gay Head, Inc., Indian Claims Settlement Act of 1987, 1987).
Minnesota*	1953	The state has jurisdiction except for Red Lake Reservation (18 U.S.C § 1162, 1953); and Bois Forte (Bois Forte Retrocession, 1973).
Montana®	1963	State jurisdiction over the Confederated Salish and Kootenai Tribes of Flathead Indian Reservation (Assumption of criminal jurisdiction of Flathead Indian Country, 1963).
Nebraska*	1953	The state retroceded jurisdiction over the Winnebago (Retrocession of jurisdiction Winnebago Reservation, 1986), Omaha, (Retrocession of jurisdiction Omaha Reservation, 1969), and Santee Sioux Reservations (Retrocession of jurisdiction Santee Sioux Reservation, 2001).

New York	1948	The state exercises full jurisdiction over Indian country (Jurisdiction of New York State over offenses committed on reservations within State, 1948).
North Dakota	1946	State criminal jurisdiction over Devil's Lake, now Spirit Lake Reservation (PL 79-394, 1946).
Oregon*	1953	The state has jurisdiction over all Indian country except Warm Spring Reservation (18 U.S.C § 1162, 1953). Burns Paiute Reservation Retrocession (44 Fed. Reg. 26129, 1979), Retrocession. Umatilla Reservation Retrocession (46 Fed. Reg. 2195, 1981).
Rhode Island	1978	State exercises civil and criminal jurisdiction unless provided by the Rhode Island Indian Claims Settlement Act (PL 95-395, 1978).
South Carolina	1993	The state has jurisdictional authority of the only tribe in SC, the Catawba Nation (PL 103-116, 1993).
Texas	1983/1987	State has jurisdiction for Alabama-Coushatta Tribe and Ysleta Del Sur Pueblo (PL 100-89, 1987), and Kickapoo Traditional Tribe (PL 97-429, 1983)
Utah	1971	The state obligated and bound itself to assume civil and criminal jurisdiction (Utah Code Ann. § 9-9-201, 1971).
Washington®	1957/1963	State jurisdiction, partial state jurisdiction, option for retrocession with tribal request and federal government acceptance (RCW, 1957/1963, 2011).
Wisconsin*	1953	The state has jurisdiction (18 U.S.C § 1162, 1953), with the exemption of the Menominee Reservation (PL 93-197, 1973).

Note. Denotes \*mandatory PL 280, ® optional PL, all others are similarly impacted by diverse legislation.

**Appendix E**

**Alaska Tribal Courts**

	Tribes	Court/ Justice System	Type of Justice System/Cases Heard
	NORTHERN REGION		
	North Slope Borough		
1	Anaktuvuk Pass, Village of	NO	
2	Atkasuk, Native Village (Atkasook)	NO	
3	Barrow Inupiat Traditional Government, Native Village of	YES	TRIBAL COURT Child Protection
4	Inupiat Community of the Arctic Slope	NO	
5	Kaktovik Village (aka Barter Island)		
6	Nuiqsut (aka Nooiksut), Native Village of		
7	Point Lay, Native Village of		
8	Point Hope, Native Village of		
9	Wainwright, Village of	NO	
	Northwest Artic Borough		
10	Ambler, Native Village of	NO	
11	Buckland, Native Village of	YES	Child Protection Adoption Guardianship over children Domestic violence Juvenile delinquency Name changes
12	Deering, Native Village of	NO	
13	Kiana, Native Village of	YES	Child protection Adoption Alcohol or drug offenses Curfew Health and safety matters COVID-19 Quarantine violations
14	Kivalina, Native Village of		
15	Kobuk, Native Village of		
16	Kotzebue, Native Village of		
17	Noatak, Native Village of		
18	Noorvik Native Community	NO	
19	Selawik, Native Village of		
20	Shungnak, Native Village of	NO	
	Nome Census Area		
21	Brevig Mission, Native Village of	NO	
22	Chinik Eskimo Community (Golovin)	NO	
23	Council, Native Village of	NO	
24	Diomedede (aka Inalik), Native Village of		
25	Elim, Native Village of	NO	
26	Gambell, Native Village of		
27	King Island Native Community		
28	Koyuk, Native Village of		
29	Mary's Igloo, Native Village of	NO	
30	Nome Eskimo Community	YES	Adoption
31	Savoonga, Native Village of	NO	
32	Shishmaref, Native Village of		
33	St. Michael, Native Village of	NO	
34	Unalakleet, Native Village of		
35	Shaktolik, Native Village of	YES	COUNCIL Child protection Adoption

			Guardianship over children
36	Solomon, Village of	YES	
37	Stebbins Community Association	NO	
38	Teller, Native Village of		
39	Wales, Native Village of	YES	INACTIVE
40	White Mountain, Native Village of	NO	
	INTERIOR REGION		
	Yukon-Koyukuk Census Area		
41	Alatna Village	YES	Child Protection Adoption Guardianships over children Juvenile delinquency Child support Paternity Custody between parents Domestic violence Divorce/Dissolution
42	Allakaket Village	YES	TRIBAL COURT Child Protection Custody between parents
43	Anvik Tribal Council	YES	TRIBAL COURT Child Protection Adoption Guardianships over Children Juvenile delinquency Child support Paternity Custody between parents Domestic Violence Divorce/Dissolution Name Changes Marriage Adult guardianship Elder protection Conservatorships Dispute resolution/Peacemaking COVID 19 quarantine violations
44	Arctic Village Council	YES	TRIBAL COURT Child protection Adoption Guardianships over children Custody between parents Domestic Violence Name changes
45	Beaver Village	YES	TRIBAL COURT Child Protection Adoption Guardianship over children Alcohol or drug relations Health and safety matters COVID 19 Quarantine violations
46	Birch Creek Tribe	NO	
47	Chalkyitsik Village	YES	TRIBAL COURT Child Protection Adoption Guardianships over children Domestic Violence
48	Circle Native Community	YES	TRIBAL COURT Child protection Adoption Guardianships over children

			Domestic Violence
49	Evansville Village		
50	Grayling, Organized Village of	YES	TRIBAL COURT Child Protection Adoption Guardianships over children Custody between parents COVID 10 Quarantine violations
51	Native Village of Fort Yukon (Gwichyaa Zhee Gwich'in Tribal Government)	YES	TRIBAL COURT Child Protection Adoption Guardianships over minors Domestic Violence
52	Holy Cross Tribe (Village)		
53	Hughes Village	YES	TRIBAL COURT Child Protection Adoption Guardianship over children Domestic Violence Elder Protection Conservatorships
54	Huslia Village	YES	TRIBAL COURT Child protection
55	Village of Kaltag	YES	TRIBAL COURT Child Protection Adoption
56	Koyukuk Native Village	NO	
57	Louden Village (Galena Village)		
58	Manley Hot Springs Village		
59	McGrath Native Village	NO	
60	Minto, Native Village of	YES	TRIBAL COURT Child Protection Adoption Guardianships over children Juvenile delinquency Paternity Custody between parents Domestic violence Divorce/ Dissolution Name changes Marriage Adult guardianships Elder protection Conservatorships Dispute resolution/Peacemaking Alcohol or Drug regulations Curfew COVID 19 Quarantine Violations
61	Nenana Native Association	YES	
62	Nikolai Village (Edzeno)		
63	Nulato Village	YES	TRIBAL COURT Child protection Adoption Guardianships over children Domestic violence Name changes
64	Rampart Village	NO	
65	Ruby, Native Village of		
66	Shageluk Native Village	YES	TRIBAL COURT Child protection Adoption

			Guardianships over children Domestic Violence
67	Stevens, Native Village of	NO	
68	Takotna Village	NO	
79	Tanana, Native Village of	YES	TRIBAL COURT Child protection Adoption Guardianships over children Custody between parents Domestic Violence Divorce/Dissolution Name Changes
70	Telida Village		
71	Venetie Tribal Government, Native Village of	YES	TRIBAL COURT Child Protection Adoption Guardianship Domestic Violence Any
	Denali Borough		
72	Cantwell, Native Village of		
	Southeast Fairbanks Census Area		
73	Dot Lake, Village of	YES	TRIBAL COURT Child protection Adoption Guardianships over children Custody between parents Domestic Violence Alcohol or Drug offenses Alcohol or Drug regulations COVID 19 quarantine violations
74	Healy Lake Village	YES	TRIBAL COURT Child protection Adoption Guardianship over children
75	Northway Village	YES	TRIBAL COURT Child protection
76	Tanacross, Native Village of		
77	Tetlin, Native Village of		
78	Eagle, Native Village of		
	SOUTHWEST REGION		
	Kusilvak Census Area		
79	Alakanuk, Village of	YES	COUNCIL WELLNESS COURT
80	Algaacig Native Village (St. Mary's)		
81	Asa'carsarmiut Tribe	YES	COUNCIL WELLNESS COURT
82	Bill Moore's Slough, Village of	YES	INTER-TRIBAL COURT (Kotlik and Hamilton) WELLNESS COURT
83	Chevak Native Village	YES	TRIBAL COURT WELLNESS COURT
84	Chuathbaluk, Native Village of (Russian Mission, Kuskokwim)	YES	COUNCIL
85	Emmonak, Native Village of (Emmonack Village)	YES	TRIBAL COURT Child protection Adoption Guardianships over children Custody between parents Domestic violence Divorce/ Dissolution

			Name changes Marriage Elder Protection COVID 19 Quarantine Violations
86	Hamilton, Native Village of		
87	Hooper Bay, Native Village of	YES	TRIBAL COURT
88	Iqugmiut Traditional Council	NO	
89	Kotlik, Village of		
90	Marshall (aka Fortuna Ledge), Native Village of	NO	
91	Nunam Iqua, Native Village of	YES	COUNCIL
92	Ohogamiut, Village of	NO	
93	Paimiut, Native Village of	YES	TRIBAL COURT INTER-TRIBAL COURT (Hooper Bay) Child protection Adoption Guardianships over children Juvenile delinquency Custody between parents Divorce/dissolution Name changes Marriage Adult guardianships Elder Protection Dispute Resolution/ Peacemaking Animal control Curfew COVID-19 Quarantine violations
94	Pilot Station Traditional Village		
95	Pitkas Point Traditional Council		
96	Scammon Bay, Native Village of	YES	TRIBAL COURT
	Bethel Census Area		
97	Akiachak Native Community	YES	TRIBAL COURT
98	Akiak Native Community		
99	Aniak, Village of		
100	Atmautluak, Village of		
101	Chefornak, Village of	YES	COUNCIL WELLNESS COURT
102	Crooked Creek, Village of	YES	COUNCIL
103	Eek, Native Village of	YES	COUNCIL
104	Georgetown, Native Village of	NO	COUNCIL
105	Goodnews Bay, Native Village of	NO	COUNCIL
106	Kasigluk Traditional Elders Council	YES	TRIBAL COURT Child protection Adoption Guardianship over children Juvenile Delinquency Custody between parents Domestic violence Marriage Adult Guardianships Dispute resolution/peacemaking Alcohol/ Drug offenses Alcohol or Drug regulations Driving under the influence Curfew

			Assault Health and safety matters COVID 19 Quarantine Violations
107	Kipnuk, Native Village of	YES	TRIBAL COURT Adoption Guardianships over children Custody between parents Dispute resolution peacemaking Alcohol or Drug offenses Curfew Food preservation Traditional ways of handling food
108	Kongiganak, Native Village of	YES	TRIBAL COURT WELLNESS COURT Child protection Guardianships over children Juvenile delinquency Custody between parents Elder protection Alcohol or Drug offenses Alcohol or drug regulations Driving under the influence Curfew Cultural or Historical preservation
109	Kwethluk, Organized Village of	YES	TRIBAL COURT
110	Kwigillingok, Native Village of	YES	TRIBAL COURT INTER-TRIBAL (Kongiganak and Kipnuk) Domestic Violence Elder Protection Dispute resolution/Peacemaking Alcohol or drug offenses Driving under the influence Animal control Curfew Health and Safety Matters COVID-19 Quarantine Violations
111	Kwinhagak (akaQuinhagak), Native Village of		
112	Lime Village		
113	Lower Kalskag, Village of		
114	Mekoryuk, Native Village of	YES	TRIBAL COURT
115	Napaimute, Native Village of	NO	COUNCIL
116	Napakiak, Native Village of		
117	Napaskiak, Native Village of		
118	Newtok Village	YES	TRIBAL COURT
119	Nightmute, Native Village of		
120	Nunakauyarmiut Tribe		
121	Nunapitchuk, Native Village of	YES	TRIBAL COURT WELLNESS COURT Child protection Adoption Dispute resolution/ peacemaking
122	Orutsararmiut Traditional Native Council	YES	TRIBAL COURT Child protection Adoption Guardianships over children Domestic violence Marriage Adult guardianships

			Cultural or historical preservation Traditional ways of handling foods
123	Oscarville Traditional Village	YES	COUNCIL
124	Platinum Traditional Village		
125	Red Devil, Village of		
126	Sleetmute, Village of		
127	Stony River, Village of		
128	Tangirnaq Native Village	NO	
129	Tuluksak Native Community		
130	Tuntutuliak, Native Village of	YES	TRIBAL COURT
131	Tununak, Native Village of	NO	COUNCIL
132	Umkumiut Native Village		
133	Yupiit of Andreafski	YES	COUNCIL
	Bristol Bay Borough		
134	King Salmon Tribe		
135	Naknek Native Village		
136	South Naknek Village	NO	
	Dillingham Census Area		
137	Aleknagik, Native Village of	YES	TRIBAL COURT Child protection Adoption Guardianships over children Custody between parents Domestic violence
138	Curyung Tribal Council	YES	TRIBAL COURT Child protection Adoption Guardianships over children Juvenile delinquency Child support Paternity Custody between parents Domestic violence Divorce/Dissolution Name change Marriage Adult guardianships Elder protection Conservatorships Dispute resolution/peacemaking Alcohol or Drug offenses Alcohol or Drug regulations Firearm regulations Firework regulations Driving under the influence Animal control Curfew Assault Health and Safety matters Cultural and historical preservation COVID-19 quarantine violations Food sovereignty Food preservation Traditional ways of handling foods
139	Ekuk, Native Village of	NO	
140	Ekwok, Native Village of	NO	
141	Manokotak Village	YES	COUNCIL
142	New Koliganek Village Council		
143	New Stuyahok Village	YES	INACTIVE COUNCIL

			Child protection Adoption Guardianships over children Custody between parents Divorce/Dissolution
144	Portage Creek Village (aka Ohgsenakale)		
145	Togjak, Traditional Village of		
146	Twins Hills Village		
	Lake & Peninsula Borough		
147	Chignik Bay Tribal Council	YES	COUNCIL
148	Chignik Lagoon, Native Village of	YES	TRIBAL COURT INTER-TRIBAL (Kenaitze and Kodiak) Child protection Juvenile delinquency Health and safety matters
149	Chignik Lake Village		
150	Egegik Village		
151	Igiugig Village	NO	
152	Iliamna, Village of		INACTIVE
153	Ivanof Bay Tribe		
154	Kokhanok Village		
155	Levelock Village		
156	Newhalen Village	NO	
157	Nondalton Village	NO	
158	Pedro Bay Village		
159	Perryville, Native Village of		
160	Pilot Point, Native Village of		
161	Port Heiden, Native Village of	YES	TRIBAL COURT Child protection
162	Ugashik Village	YES	COUNCIL
	Aleutians East Borough		
163	Agdaagux Tribe of King Cove	NO	
164	Akutan, Native Village of		
165	Belkofski, Native Village of	NO	
166	Nelson Lagoon, Native Village of		
167	Pauloff Harbor Village		
168	Qagan Tayagungin Tribe of Sand Point	YES	TRIBAL COURT Child protection Adoption Guardianships over children Juvenile delinquency Child support Paternity Custody between parents Domestic violence Divorce/Dissolution Name changes Marriage Adult guardianships Elder protection Conservatorships Dispute resolution/Peacemaking
169	Unga, Native Village of		
	Aleutians West Census Area		
170	Atka, Native Village of		
171	Nikolski, Native Village of		
172	Qawalangin Tribe of Unalaska		
173	Saint George Island		

174	Saint Paul Island	YES	TRIBAL COURT Child Protection Adoption Guardianship over children Juvenile delinquency Child support Paternity Custody between parents Domestic violence Divorce/Dissolution Name changes Marriage Adult Guardianships Elder protection Conservatorships Dispute resolution/ Peacemaking Alcohol/Drug offenses Alcohol and Drug relations Firework regulations Driving under the influence Animal control Curfew Assault Health and safety matters Cultural or historical preservation COVID-19 quarantine violations Food sovereignty Food preservation Traditional ways of handling foods
	ANCHORAGE/MAT-SU REGION		
	Municipality of Anchorage		
175	Eklutna Native Village		
	Matanuska-Susitna Borough		
176	Chickaloon Native Village	YES	TRIBAL COURT Child protection Adoption Guardianship over children Child support Custody between parents Domestic violence Elder protection Conservatorships Dispute resolution Peacemaking Health and Safety matters
177	Knik Tribe		
	GULF COAST REGION		
	Chugach Census Area		
178	Chenega, Native Village of (aka Chanega)	NO	
	Copper River Census Area		
179	Cheesh-Na Tribe		
180	Chitina, Native Village of		DEVELOPING
181	Eyak, Native Village of (Cordova)	YES	TRIBAL COURT Child protection Guardianships over children Juvenile Delinquency Dispute resolution Peacemaking Alcohol or Drug Offenses Driving under the influence
182	Gakona, Native Village of		DEVELOPING

183	Gulkana Village Council	NO	
184	Kluti-Kaah, Native Village of (Copper Center)	YES	TRIBAL COURT Child protection Adoption Guardianships over children
185	Mentasta Traditional Council		
186	Tatitlek, Native Village of		
187	Tazlina, Native Village of	NO	
	Kenai Peninsula Borough		
188	Kenaitze Indian Tribe	YES	TRIBAL COURT Child protection Adoption Guardianships over children Guardianships over adults Divorce and Marriages
189	Nanwalek (aka English Bay), Native Village of		
190	Ninilchik Village		
191	Port Graham, Native Village of	YES	TRIBAL COURT COUNCIL Child protection Adoption Guardianship over children Juvenile delinquency Child support Custody between parents Domestic violence Adult guardianship Dispute resolution Peacemaking Alcohol or drug offenses Driving under the influence Animal control Curfew Assault Health and safety matters
192	Salamatof Tribe		
193	Seldovia Village Tribe		
194	Tyonek, Native Village of	NO	
	Kodiak Island Borough		
195	Afognak, Native Village of		
196	Akhiok, Native Village of	NO	
197	Alutiiq Tribe of Old Harbor	NO	
198	Kaguyak Village		
199	Kanatak, Native Village of	YES	COUNCIL
200	Karluk, Native Village of	YES	INACTIVE TRIBAL COURT
201	Larsen Bay, Native Village of		
202	Ouzinkie, Native Village of	NO	INTER-TRIBAL (Shoonaq Tribe of Kodiak)
203	Port Lions, Native Village of	NO	INTER-TRIBAL (Shoonaq Tribe of Kodiak)
204	Sun'aq Tribe of Kodiak	YES	TRIBAL COURT Child protection Adoption Guardianships over children Juvenile delinquency Alcohol or Drug offenses
	SOUTHEAST REGION		
	Yakutat Borough		
205	Yakutat Tlingit Tribe	YES	INACTIVE

	Haines Borough		
206	Chilkat Indian Village (Klukwan)	YES	COUNCIL
207	Chilkoot Indian Association (Haines)		
	Petersburg Borough		
208	Petersburg Indian Association		
	Hoonah-Angoon Census Area		
209	Angoon Community Association	NO	
210	Hoonah Indian Association		
	City and Borough of Wrangler		
211	Wrangell Cooperative Association		
	Ketchikan Gateway Borough		
212	Ketchikan Indian Community (Corporation)		
213	Saxman, Organized Village of		
	Municipality of Skagway		
214	Skagway Village	NO	
	City and Borough of Juneau		
215	Tlingit & Haida Indian Tribes of Alaska, Central Council of	YES	SUPREME COURT TRIAL COURT WELLNESS COURT
	City and Borough of Sitka		
216	Sitka Tribe of Alaska	YES	TRIBAL COURT Child protection Adoption Guardianships over children Domestic violence Name changes
	Prince of Wales-Hyder Area		
217	Craig Tribal Association	NO	
218	Hydaburg Cooperative Association	NO	
219	Kake, Organized Village of	YES	INACTIVE
220	Kasaan, Organized Village of	NO	
221	Klawock Cooperative Association	NO	
222	Metlakatla Indian Community, Annette Island Reserve	YES	TRIBAL COURT Alcohol or drug offenses Alcohol of drug regulations Firearm regulations Firework regulations Driving under the influence Animal control Curfew

Note. Data extracted from the Alaska Tribal Court Directory (ALSC, 2022).

**Appendix F**

**Alaska Missing People Data**

ALASKA MISSING PERSONS CLEARINGHOUSE						
Missing Person - ABI - AST - Alaska Department of Public Safety						
Exported on 2024-02-10						
Last Name	First Name	Sex	Race	Case Number	Date Last Contact	Investigating Agency
TUZON	SAYER	M		AK24003783	01/09/2024	SITKA AWT
KIRSCH	KEEGAN	M		2311-0458	12/28/2023	KENAI POLICE DEPARTMENT
HUNTINGTON	RAYLYNN	F		23-7988	12/24/2023	KETCHIKAN POLICE DEPARTMENT
ORTIZ	ARIA	F		7BAN3549539	12/20/2023	FEDERAL BUREAU OF INVEST
ORTIZ	KALEA MAE	F		7BAN3549539	12/20/2023	FEDERAL BUREAU OF INVEST
BORBRIDGE	DARREN	M	I	AK24003783	01/09/2024	SITKA AWT
PETERS	GLENN	M	I	240002843	01/01/2024	ANCHORAGE POLICE DEPARTMENT
SANFORD	WESLEY	M	I	240003541	12/30/2023	ANCHORAGE POLICE DEPARTMENT
WARMAN	AKI	F	I	230042167	12/27/2023	ANCHORAGE POLICE DEPARTMENT
NICKOLI	TANYA	F	I	230042241	12/24/2023	ANCHORAGE POLICE DEPARTMENT
GALAUSKA	MELINDA	F	I	230040699	12/17/2023	ANCHORAGE POLICE DEPARTMENT
LENO	HALEY	F	I	AK23129459	12/17/2023	PALMER AST ENFORCEMENT
BODFISH	ALVIN	M	I	23-000748	12/16/2023	NORTHSLOPE BOROUGH DPS
DAVIS	MICHAEL	M	I	23-004614	12/15/2023	FAIRBANKS POLICE DEPARTMENT
KOWCHEE	JEDIDIAH	M	I	23-00591	12/10/2023	SITKA POLICE DEPARTMENT
ERICKSON	BRIAN	M	I	AK23124998	12/02/2023	FAIRBANKS AST ENFORCEMENT
RUSSELL	BURTON	M	I	230038870	11/27/2023	ANCHORAGE POLICE DEPARTMENT
ANDREWS	LAURA	F	I	230037617	11/17/2023	ANCHORAGE POLICE DEPARTMENT
LEONARD	AARON MICHAEL	M	I	230039580	11/13/2023	ANCHORAGE POLICE DEPARTMENT
CHAPMAN	MATTHEW	M	I	AK23112279	10/23/2023	PALMER AST ENFORCEMENT
HENRY	ALEXANDER	M	I	AK23108196	10/10/2023	BETHEL AST ENFORCEMENT
OKPOWRUK	DAVEY	M	I	230002673	10/05/2023	WASILLA POLICE DEPARTMENT
HENRICHS	LEYLA	F	U	7BAN3788308	12/20/2023	FEDERAL BUREAU OF INVEST

Note. Data from the Alaska Missing Persons Clearinghouse. Retrieved February 10, 2024.

15 Missing Persons Cases Found [Revise Search](#)

FEB 10

Race / Ethnicity: American Indian / Alas... X NamUs Case Created: 10/02/2023 - 01/0... X State: Alaska X

Results 100 Page 1 / 1 1

Case Number	DLC	Legal Last Name...	Legal First Name...	Missing Age	City	County	State ...	Biological...	Race / Ethnicity	Date Rec...
MP114328	12/16/2023	Bodfish	Alvin	48 Years	Wainwright	North Slope	AK	Male	American Indian / Al...	01/09/2024
MP113570	12/13/2023	Kowchee	Jedidiah	28 Years	Sitka	Sitka	AK	Male	American Indian / Al...	01/23/2024
MP112746	12/02/2023	Erickson	Brian	40 Years	Healy Lake	Fairbanks North Star	AK	Male	American Indian / Al...	12/06/2023
MP113925	11/27/2023	Russell	Burton	59 Years	Anchorage	Anchorage	AK	Male	American Indian / Al...	01/10/2024
MP113705	11/17/2023	Andrews	Laura	57 Years	Anchorage	Anchorage	AK	Female	American Indian / Al...	01/10/2024
MP112865	10/23/2023	Chapman	Matthew	17 Years	Palmer	Matanuska-Susitna	AK	Male	American Indian / Al...	02/09/2024
MP110898	10/10/2023	Henry	Alexander	31 Years	Bethel	Bethel	AK	Male	American Indian / Al...	02/08/2024
MP111597	10/05/2023	Okpowruk	Davey	16 Years	Wasilla	Matanuska-Susitna	AK	Male	American Indian / Al...	11/22/2023
MP110197	10/02/2023	Coopchiak	Kelly	25 Years	Koiliganek	Dillingham	AK	Female	American indian / Al...	10/24/2023
MP110250	09/15/2023	David	William	13 Years	Fairbanks	Fairbanks North Star	AK	Male	American Indian / Al...	12/20/2023
MP109323	09/09/2023	Burk	James	67 Years	Nenana	Yukon-Koyukuk	AK	Male	American Indian / Al...	01/12/2024
MP112361	08/31/2023	Lind	Bill	35 Years	Anchorage	Anchorage	AK	Male	American Indian / Al...	12/01/2023
MP109802	08/15/2023	Kokrine	Treven	17 Years	Fairbanks	Fairbanks North Star	AK	Male	American Indian / Al...	11/21/2023
MP113923	08/06/2023	Badgley	Brandon	14 Years	Ketchikan	Ketchikan Gateway	AK	Male	Uncertain	01/11/2024
MP109780	05/09/2023	Nelson	Timothy	58 Years	Anchorage	Anchorage	AK	Male	American Indian / Al...	01/10/2024

Note. Data from NamUs. Retrieved Feb 10, 2024



# ALASKA

## Missing Alaska Natives & American Indians

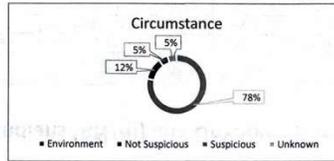
Quarterly Report | July 1, 2023 – September 30, 2023

This report shows data and information related to persons who are Alaska Native, American Indian, or of an unknown race who were reported missing as of **October 2, 2023**. This report only includes cases investigated by the Alaska Department of Public Safety (DPS), the Anchorage Police Department (APD), and the Fairbanks Police Department (FPD). The data and information provided in this report are dynamic and subject to change.

DPS, APD, and FPD are committed to doing our parts to quickly respond to and thoroughly investigate missing person cases that occur in our areas of responsibility.

**Call 911 if someone you know is missing; there is no waiting period to report a missing person.**

July 1, 2023 – September 30, 2023 <sup>1</sup>		
	All Races	AN / AI / Unknown Races
Missing	449	197
Located	374	197



<sup>1</sup> Number of missing or located persons reported during Quarter 3. For example, a person may have gone missing in Quarter 2 but was located in Quarter 3.

Note. Data from (Alaska DPS [AK DPS], 2024a).



# ALASKA

## Missing Alaska Natives & American Indians

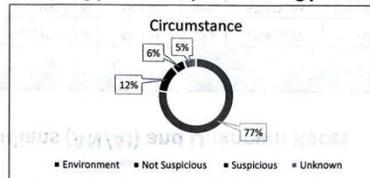
Quarterly Report | October 1, 2023 – December 31, 2023

This report shows data and information related to persons who are Alaska Native, American Indian, or of an unknown race who were reported missing as of **January 9, 2024**. This report only includes cases investigated by the Alaska Department of Public Safety (DPS), the Anchorage Police Department (APD), and the Fairbanks Police Department (FPD). The data and information provided in this report are dynamic and subject to change.

DPS, APD, and FPD are committed to doing our parts to quickly respond to and thoroughly investigate missing person cases that occur in our areas of responsibility.

**Call 911 if someone you know is missing; there is no waiting period to report a missing person.**

October 1, 2023 – December 31, 2023 <sup>1</sup>		
	All Races	AN / AI / Unknown Races
Missing	311	166
Located	256	137



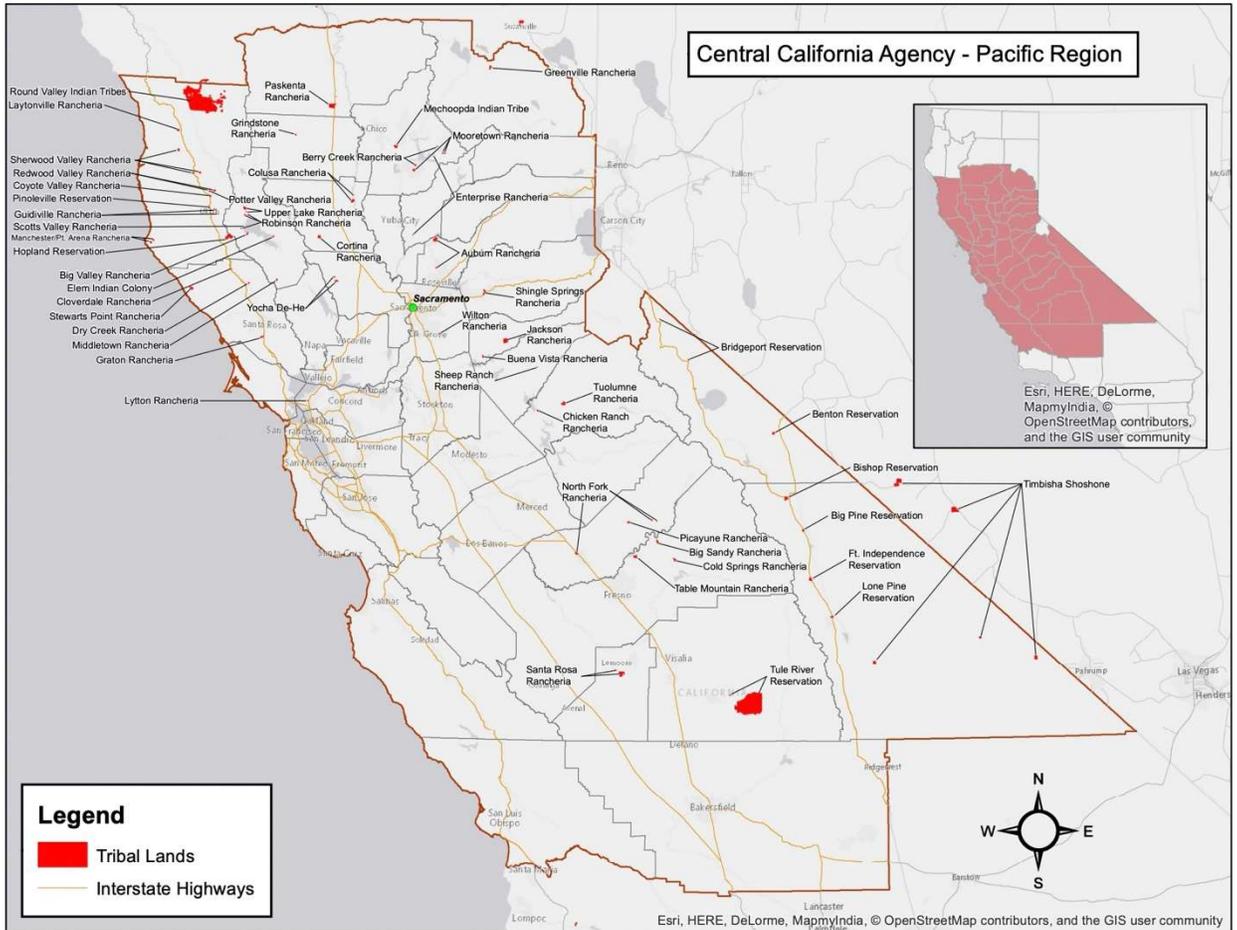
<sup>1</sup> Number of missing or located persons reported during Quarter 4. For example, a person may have gone missing in Quarter 3 but was located in Quarter 4.

Note. Data from (Alaska DPS [AK DPS], 2024b).



### Appendix H

### BIA Central California Map



Note. BIA map retrieved from (BIA Central California, n.d., Figure Central California Agency).

**Appendix I**

**California Tribal Law Enforcement Agencies, SLEC, Cross Deputization or Mutual**

**Aid**

Tribal Law Enforcement Agency	SLEC	Cross Deputization or Mutual Aid
Agua Caliente		
Bear River Band Police Department	Yes	
Bishop Paiute Tribal Police	Yes	
Blue Lake Rancheria Tribal Police Department	Yes	Yes, Humboldt County Sheriff's Office.
Cabazon Band of Mission Indians	Yes	
Cahto Tribe of Laytonville Rancheria	Yes	
Cahuilla Band of Mission Indians	Yes	
Colusa Tribal Patrol Team		
Coyote Valley Indian Tribe	Yes	
Habematolel Pomo of Upper Lake		MOU Lake County Sheriff
Hoop Valley Tribal Police Department	Yes	
Hopland Band of Pomo Indians Police	Yes	
La Joya Band of Indians	Yes	
Los Coyotes Band of Indians	Yes	
Morongo Tribal Police Department		
Pala Band of Mission Indians Tribal Law Enforcement		
Pauma Tribal Police Department	Yes	
Pechanga Tribal Rangers		
Resighini Rancheria	Yes	
Rincon Band	Yes	
Robinson Rancheria Police Department	Yes	
Round Valley Indian Tribal Police	Yes	
San Manuel Band of Mission Indians DPS		MOU with San Bernardino Co.
San Pasqual Band	Yes	
Shingle Springs Band of Miwok Indians Tribal Police Department	Yes	
Sycuan Tribal Police Department	Yes	MOU San Diego Co DA Office
Soboba Band of Luiseño Indians Department of Public Safety		
Table Mountain Rancheria	Yes	
Tule River Indian Reservation	Yes	Ongoing collaboration with Tulare County Sheriff Office
Wilton Rancheria		MOU Sacramento Co. Sheriff
Yurok Tribal Police	Yes	Sacramento County Sheriff

Note. The information on tribal law enforcement is not centralized, data inconsistencies exist, each department was researched individually and cross referenced through public data sources. Informants 5 and 8 (2024) explained tribal governments do not always feel inclined to participate in data collection initiatives due to multigenerational trauma, systemic marginalization, and cultural differences.

**Appendix J****California Individual Tribal Courts**

Bishop Paiute Tribal Court (Inyo County)

Blue Lake Rancheria Tribal Court (Humboldt County)

Cedarville Rancheria Tribal Court (Modoc County)

Chemehuevi Indian Tribal Court (San Bernardino County)

Elk Valley Tribal Court (Del Norte County)

Fort Mojave Tribal Court (San Bernardino County)

Hoopla Valley Tribal Court (Humboldt County)

Morongo Tribal Court (Riverside County)

Pala Tribal Court (San Diego County)

Quechan Tribal Court (Imperial County)

Redding Rancheria Tribal Court (Shasta County)

Robinson Rancheria Tribal Court (Lake County)

Round Valley Indian Tribes Tribal Court (Mendocino County)

San Manuel Tribal Court (San Bernardino County)

Shingle Springs Rancheria Tribal Court (El Dorado County)

Trinidad Rancheria Tribal Court (Humboldt County)

Tule River Tribal Court (Tulare County)

Washoe Tribal Court (Alpine County)

Wilton Rancheria Tribal Court (Sacramento County)

## Appendix K

### California Missing People Data

**2 Missing Persons Cases Found** [Revise Search](#)

Race / Ethnicity: American Indian / Alas... X NamUs Case Created: 10/02/2023 - 01/0... X State: California X

Results 25 Page 1 / 1

Case Number	DLC	Legal Last Name...	Legal First Name...	Missing Age	City	County	State ...	Biological...	Race / Ethnicity
MP111981	07/11/2023	Lange	Jeanne	68 Years	Belmont	San Mateo	CA	Female	Uncertain
MP109506	12/01/2013	Cleavenger	Renner	37 Years	San Francisco	San Francisco	CA	Male	American Indian / AL...

Note. Data not cross-referenced due to lack of databases with public access. Still, it is important to remember the research is on the impact of discrepancies on each individual and their families. Date of last contact does not have to be within range, range limited the people entered into the system between the dates of October 2, 2023, and January 9, 2024.

## Appendix L

### Oklahoma Executive Order 2023-32



J. Kevin Stitt  
Office of the Governor  
State of Oklahoma

#### EXECUTIVE DEPARTMENT EXECUTIVE ORDER 2023-32

WHEREAS, the United States Supreme Court's ruling in *McGirt v. Oklahoma* caused uncertainty and continues to wreak havoc in nearly half of the State of Oklahoma; and

WHEREAS, the Supreme Court remedied some of the uncertainty in *Oklahoma v. Castro-Huerta*; and

WHEREAS, while the Oklahoma Court of Criminal Appeals has repeatedly acknowledged and done its part to ameliorate the post-*McGirt* havoc, it is clear that the *McGirt* decision's negative effects are unresolved; and

WHEREAS, a recent dispute between a county employee and a tribal police officer in Okmulgee County, in eastern Oklahoma, is a stark reminder of the broken system created by the *McGirt* decision; and

WHEREAS, the lack of jurisdictional clarity, which to date has crippled the state's ability to resolve issues and continues to negatively impact crime victims, state and tribal law enforcement officials, and all Oklahomans; and

WHEREAS, patchwork attempts to identify and resolve issues through non-uniform cross-deputization and jail agreements have been, and continue to be, ineffective as long-term solutions necessary for the good of our State and its communities; and

WHEREAS, the need for uniform state-tribal agreements addressing ambiguity in areas including, but not limited to, liability, immunity waivers, and fee-apportionment, as well as state and federal legislative action, has never been clearer. For these reasons, stakeholders must come together to discuss practical solutions and propose recommendations to usher in uniform, lasting change.

THEREFORE, I, J. Kevin Stitt, Governor of the State of Oklahoma pursuant to the power and authority vested in me by Sections 1 and 2 of Article VI of the Oklahoma Constitution, and to the fullest extent permitted by law, hereby order as follows:

A. There is hereby created the One Oklahoma Task Force (the "Task Force") until June 1, 2024. The purpose of the Task Force shall be to provide the Governor, the Legislature, Tribal leaders, and the state's congressional delegation with substantive legislative and regulatory recommendations, including but not limited to updated uniform cross-deputization agreements, uniform jail agreements, and state and federal legislative proposals.

B. The Task Force shall consist of thirteen (13) members as follows:

1. The Secretary of Public Safety;
2. The Speaker of the Oklahoma House of Representatives or designee;
3. The President Pro Tempore of the Oklahoma Senate or designee;
4. The Attorney General or designee;
5. One member appointed by the District Attorneys Council;
6. One member of a county jail trust appointed by the Secretary of Public Safety;
7. One member appointed by the Oklahoma Sheriff's Association;
8. One member appointed by the Department of Public Safety;
9. One member appointed by the Oklahoma State Bureau of Investigation;
10. One member appointed by the Council on Law Enforcement Training;
11. One member appointed by the Oklahoma State Fraternal Order of Police;
12. One member representing Oklahoma's Five Civilized Tribes; and
13. One member representing Oklahoma's other thirty-three (33) tribes.

C. Quorum for official business of the Task Force shall be a majority of those appointed. The Secretary of Public Safety shall serve as chair.

D. Appointments to the Task Force shall be made by the appointing authority no later than thirty (30) days after this Executive Order is entered. The chair shall hold the first meeting of the Task Force no later than sixty (60) days after this Executive Order is entered. Any vacancies in the membership of the Task Force shall be filled in the same manner provided for in the initial appointment.

E. The Task Force shall be subject to the Open Meetings Act and shall be staffed and supported by the Office of Management and Enterprise Services.

F. The Task Force may consult with any organization, government entity, or person in the development of its recommendations.

G. On or before June 1, 2024, the Task Force shall electronically submit to the Governor, the President Pro Tempore of the Oklahoma State Senate, the Oklahoma Speaker of the House of Representatives, the leaders of the state's thirty-eight (38) federally recognized Indian tribes, and Oklahoma's congressional delegation, a report containing, but not limited to:

1. Legislative and regulatory recommendations to address the *McGirt* decision's negative effects;
2. Uniform cross-deputization and jail agreements; and
3. Any other recommendations relevant to the speedy resolution of the broken system created by the *McGirt* decision, which continues to negatively impact crime victims, state and tribal law enforcement officials, and all Oklahomans.

All Executive departments, officers, agencies, and employees of the State shall cooperate with the Task Force, including providing any information, data, records, and reports as may be requested.

This Executive Order shall be distributed to each appointing authority with representation on the Task Force and all cabinet secretaries.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Oklahoma to be affixed at Oklahoma City, Oklahoma, this 22<sup>nd</sup> day of December, 2023.

**BY THE GOVERNOR OF THE STATE OF OKLAHOMA**

A handwritten signature in black ink, appearing to read "Kevin Stitt", is written above a horizontal line.

ATTEST:

\_\_\_\_\_  
Josh Cockroft, SECRETARY OF STATE

**Appendix M**

**Opposition Letter to One Oklahoma Task Force from the Inter-Tribal Council of  
the Five Civilized Tribes**

**The INTER-TRIBAL COUNCIL  
of the FIVE CIVILIZED TRIBES**  
organized February 3, 1950

January 9, 2024



Chuck Hoskin Jr.  
Principal Chief



Bill Anoatubby  
Governor



Gary Batton  
Chief



David W. Hill  
Principal Chief



Lewis J. Johnson  
Chief

Dear Governor Stitt,

As the Inter-Tribal Council of the Five Civilized Tribes (ITC), an organization that unites the tribal governments of the Cherokee, Chickasaw, Choctaw, Muscogee (Creek) and Seminole Nations, we are dedicated to advancing public safety for our citizens and all of our neighbors in Oklahoma. We welcome opportunities to collaborate with state, federal, local, and tribal governments towards this goal. We have a long track record of this collaboration, both before and after the *McGirt v Oklahoma* decision.

While we hope the State of Oklahoma will join our collaborative approach, we must stand in opposition to Governor Kevin Stitt's task force on McGirt as presented in Executive Order 2023-32. After reviewing the language of the Executive Order and structure of the proposed task force, we conclude that it is designed to divide rather than unify and to make political points rather than seek genuine solutions. This task force cannot adequately serve the public good unless these flaws are corrected.

At its core, the *McGirt v Oklahoma* decision is a pro-public safety ruling. By restoring tribal jurisdiction that the State had illegally usurped for well over a century, the decision has increased police and prosecutors and empowered tribal courts to enforce the law and deliver justice for victims. Rather than cause uncertainty and wreak havoc, as the Executive Order claims, the McGirt decision has finally restored legitimate legal jurisdiction under clear federal laws and the U.S. Constitution.

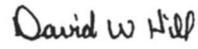
Unfortunately, rather than focusing on how to incorporate tribal authority to benefit the public, the State has wasted time and energy trying to evade, reject, or delay compliance with the law.

We call on you and the State of Oklahoma to make a good faith effort at practical solutions for working with tribes to improve public safety. That means setting aside politicized rhetoric and denials of tribal sovereignty. The structure of any task force must also reflect respectful government-to-government dialogue with each of the 38 unique tribes in Oklahoma. The State has no authority to mandate any Tribe to defer to another Tribe to speak on its behalf.

When we have a willing partner at the State of Oklahoma, we are fully prepared to move forward. We are eager to work with our friends and neighbors to improve coordination in public safety efforts. What we cannot do is participate in an effort that spreads falsehoods about the law, attempts to minimize tribal voices, and engages in political attacks instead of constructive government-to-government dialogue.



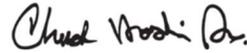
Bill Anoatubby, Governor  
The Chickasaw Nation



David W. Hill, Principal Chief  
Muscogee (Creek) Nation



Gary Batton, Chief  
Choctaw Nation of Oklahoma



Chuck Hoskin Jr., Principal Chief  
Cherokee Nation



Lewis J. Johnson, Chief  
Seminole Nation of Oklahoma

Appendix N

Oklahoma Missing People Data

*OCT 2 2023 - JAN 9 2024*

**7 Missing Persons Cases Found** [Revise Search](#)

Race / Ethnicity: American Indian / Alas... X    NamUs Case Created: 10/02/2023 - 01/0... X    State: Oklahoma X

Results 25    Page 1 / 1    1

Case Number	DLC	Legal Last Name...	Legal First Name...	Missing Age	City	County	State ...	Biological...	Race/E...
MP113863	12/17/2023	Glass	Trey	19 Years	Kansas	Delaware	OK	Male	American In
MP113645	12/02/2023	Harjo	Sydni	15 Years	Lawton	Comanche	OK	Female	American In
MP111723	11/15/2023	Marris	Liza	16 Years	Ardmore	Carter	OK	Female	American In
MP111583	11/07/2023	Davis	Evan	15 Years	Ada	Pontotoc	OK	Male	American In
MP110550	09/15/2023	Lyda	Lacy	35 Years	Oklahoma City	Oklahoma	OK	Female	American In
MP111558	06/29/2023	Welch	Robert	64 Years	Webbers Falls	Muskogee	OK	Male	American In
MP112315	05/10/2023	Trejo	Jose	23 Years	Henryetta	McIntosh	OK	Male	American In

Note. Data from NamUs search from October 2, 2023, to January 9, 2024, no additional databases available for the public.

**Appendix O**

**Oglala Sioux Tribe Presidential Proclamation**



**Oglala Sioux Tribe**

P.O. Box 2070 , Pine Ridge, S.D. 57770  
 Direct: 605-867-8420 - Cell Phone: 605-407-7427  
 Fax: 605-867-6076  
 E-mail: fstarcomesout@ogla.org



Office of the President  
 Frank Star Comes Out

**PRESIDENTIAL PROCLAMATION  
 OGLALA SIOUX TRIBE  
 PINE RIDGE INDIAN RESERVATION**

**A PROCLAMATION** by the President of the Oglala Sioux Tribe, Frank Star Comes Out.

On this 18<sup>th</sup> day of November 2023, I am compelled to proclaim and declare a State of Emergency on the Pine Ridge Indian Reservation (“Reservation”) due to a breakdown of Law and Order on the Reservation. The responsibility for this breakdown is primarily the failure of the Oglala Sioux Tribe’s trustee, the U.S. Government and its agencies, namely the U.S. Department of the Interior (“DOI”) and Bureau of Indian Affairs (“BIA”), to fulfill the United States’ treaty, statutory and trust responsibilities to provide adequate law enforcement on the Reservation.

The Oglala Sioux Tribe (“Tribe”) is a federally recognized Tribe that reorganized under Section 16 of the Indian Reorganization Act of June 18, 1934, 25 U.S.C. § 5123, and enjoys all of the rights and privileges guaranteed under its existing treaties with the United States in accordance with 25 U.S.C. § 478b, and other federal statutes regarding law and order on the Reservation.

The following is a summary of federal treaties and statues that pertain to the Tribe:

- The Treaty of July 5, 1825 (7 Stat. 252), which brought the Oglala Sioux Tribe and its members under its protection and the United States, and the Tribe thereafter became a protectorate nation of the United States.
- The Treaty of September 17, 1851 (11 Stat. 749), which recognized Sioux title to 60 million acres of territory west of the Missouri River under U.S. law. Unconsented encroachments on this territory by the United States and its citizens resulted in the Powder River War of 1866-1868.
- The Peace Treaty of April 29, 1868 (15 Stat. 635), which ended the 1866-1868 Powder River war between the United States and Sioux tribes without terms of

surrender on either side. The treaty carved out a 26-million-acre reservation out of the 60-million-acre 1851 treaty territory, called the “**Great Sioux Reservation.**” The 1868 Treaty also provided, in pertinent part, as follows:

- (a) **Article 1:** “If bad men among the *whites . . . shall commit any wrong upon the person or property of the Indians, the United States will, upon proof made to the agent* and forwarded to the Commissioner of Indian Affairs . . . , proceed at once to *cause the offender to be arrested and punished according to the laws of the United States . . .* (emphasis supplied)
  - (b) **Article 1:** If bad men among the *Indians* shall commit a wrong or depredation upon the person or property of any one, white, black, or Indians . . . , *the Indians herein named solemnly agree that they will, upon proof made to their agent and notice by him, deliver up the wrong-doer to the United States, to be tried and punished according to its laws . . .* (emphasis supplied)
  - (c) **Article 5:** The United States agrees that the agent for said Indians shall . . . keep an office open at all times *for the purpose of prompt and diligent inquiry into such matters of complaint by and against the Indians* as may be *presented for INVESTIGATION . . .* In all cases of depredation on person or property he shall cause the evidence to be taken in writing and forwarded, together with his findings, to the Commissioner of Indian Affairs, whose decision, subject to the revision of the Secretary of the Interior, shall be binding on the parties to this treaty (emphasis supplied)
- The Act of February 28, 1877 (19 Stat. 254), in which Congress confiscated 7 million acres of the Great Sioux Reservation, i.e., the Black Hills. The Act provided in Article 5, 8 and 9 as follows:
    - (a) **Article 5:** “[i]n consideration of the foregoing cession of territory and rights . . . , i.e., 55 million acres of confiscated land and hunting rights as of 1877, the United States does agree to provide all the necessary aid to assist the said Indians in the work of civilization . . . .”
    - (b) **Article 8:** “Congress shall, by appropriate legislation, secure to them an orderly government; they shall be subject to the laws of the United States, and *each Individual shall be protected in his rights of property, person and life;*”
    - (c) **Article 9:** “whenever requested the President of the United States, select so many suitable men from each band to co-operate with him in maintaining

order and peace on the reservation as the President may deem necessary, who shall receive such compensation for their services as Congress may provide.”<sup>1</sup>

- The Act of March 2, 1889 (“1889 Act”) in which Congress created six smaller reservations within the balance of the Great Sioux Reservation (after the Black Hills were confiscated under the 1877 Act), including the Pine Ridge Indian Reservation, and confiscated the remainder.

The United States and agencies, the DOI through the BIA and the U.S. Department of Justice (“DOJ”), have a trust responsibility to provide adequate law and order on the Reservation as part of the *quid pro quo* for the millions of acres of territory it has illegally confiscated from the Oglala Sioux Tribe (and other Sioux tribes) in violation of tribal treaties and “agreements,” including the 1868 Treaty, 1877 Act and 1889 Act;

The Secretary of the Interior and BIA officials have failed to even request sufficient federal funds each year to provide adequate law and order on the Reservation in fulfillment of the United States treaty, statutory and common law trust responsibilities to provide adequate law and order on the Reservation -- as shown below:

- The current federal funding provided to the Oglala Sioux Tribe for law enforcement is only sufficient to employ 33 uniformed patrol officers; yet, according to reports to Congress authored by the BIA’s Office of Justice Services (“OJS”), the minimum number of officers required to adequately provide law enforcement on the Reservation is nearly four times that amount. Despite this, neither the DOI nor BIA have ever requested that Congress appropriate sufficient funding to meet the amount required to provide adequate public safety on the Reservation;
- According to the BIA, the current federal funding for the Oglala Sioux Tribal Court and Supreme Court, funding used to support the court’s operations including the salaries of judges and court staff, as well as the costs of running the courtrooms and other facilities, is less than half of the amount required to provide adequate justice services on the Reservation;

---

<sup>1</sup> Nothing in this Proclamation should be construed as an affirmation of the illegal confiscation and acquisition of Oglala Sioux territory and rights by the United States recognized under tribal treaties and “agreements.”

- This funding is not sufficient to meet the needs of the Tribe. The Tribe has a large service population spread across 3.1 million acres – the size of Delaware and Rhode Island combined; and
- The Tribe has been advocating for increased funding for its court and police department for many years. In 2021, the federal government funded only 13 percent of the tribe's requested criminal investigations and law enforcement funding in its fiscal year 2023 budget.

This lack of DOI and BIA advocacy for Congressional funds for law enforcement on the Reservation -- as required by tribal treaties and federal statutory and common law -- has contributed to the crime rates that currently exist on the Reservation, thereby creating a crisis on the Reservation as indicated below:

- **Alcoholism:** Approximately two-thirds of adults on the Reservation live with alcoholism. This is significantly higher than the national rate of 15.1%. One in four children on the Reservation are born with fetal alcohol syndrome (FAS), a preventable brain disorder that is caused by drinking alcohol during pregnancy.
- **Suicides:** The suicide rate on the Reservation is significantly higher than the national average. According to the Indian Health Service, the suicide rate for Native Americans aged 10-24 is 2.7 times higher than the national average, and even high on the Reservation with an estimated 150% increase in teen suicide rates compared to the national average. In 2020, there were 177 suicide attempts among 14- to 32-year-olds on the Reservation, and 9 deaths.
- **Murders:** The murder rate on the Reservation is more than twice the national average. In 2022 the homicide rate on the reservation was 16.3 per 100,000 residents. The national homicide rate in 2022 was 7.8 per 100,000 residents.
- **Drug Offenses:** Drug offenses are also a major problem on the Reservation. In 2022, there were 1,014 drug arrests on the reservation. This is a rate of 549.8 per 100,000 residents. The national drug arrest rate in 2022 was 310.8 per 100,000 residents.
- **Robberies:** The robbery rate on the Reservation is more than three times the national average. In 2022, robbery rate on the reservation was 109.8 per

100,000 residents. The national robbery rate in 2022 was 45.3 per 100,000 residents.

- **Rape:** The rape rate on the Reservation is more than four times the national average.
- **Aggravated Assault:** The aggravated assault rate on the Reservation is more than twice the national average.
- **Burglary:** The burglary rate on the Reservation is more than three times the national average, and
- **Missing and murdered woman:** According to the National Missing and Unidentified Persons System (NamUs), there have been 95 missing women cases reported on the Reservation since 1980. Of those cases, 31 remain unsolved. The average age of a missing woman on the Reservation is 25 years old.

**THEREFORE I, FRANK STAR COMES OUT**, President of the Oglala Sioux Tribe, on this 18<sup>th</sup> day of November, 2023, do hereby declare and proclaim that a State of Emergency exists on the Reservation due to the failure of the United States Government and its agencies, particularly the DOI and BIA, to honor their treaty, trust and statutory obligations to the Oglala Sioux Tribe, including but not limited to requesting Congressional funding adequate to meet the law and order needs on the Reservation as required by treaties, federal statutory and common law.

**FURTHER**, I declare and proclaim that a public health emergency exists on the Reservation as a result of inadequate federal funding for law enforcement on the Reservation, and call upon the United States Department of Health & Human Services to provide the Tribe with the sufficient number of behavioral health specialists and supportive services;

**FURTHER**, I implore the BIA and DOJ to investigate and enforce all federal criminal laws on the Reservation, including drug and alcohol laws (the Pine Ridge Reservation is a dry reservation), the failure of which is having a devastating effect on the day-to-day lives of all tribal members residing on the Reservation.

**FURTHER**, I implore President Joe Biden to:

- Intervene and direct the Secretary of the Interior to request sufficient funds in the Department's Budget for FY 2023, 2024 and succeeding fiscal years that will provide adequate funding for the number of police officers necessary for public safety on the Reservation, namely, officers and equipment to meet the BIA recommended standards of 2.8 officer per 1,000-persons in the service population;
- Direct that such amounts be included in the forthcoming President's budget to Congress; and
- Intervene and direct the DOI and BIA to include a request for congressional authorization of federal funds for FY 2024 to plan, design and construct an Inpatient Behavioral Health Treatment Facility that is direly needed on the Reservation, which is required by Article 8 of the 1877 Act to protect the "property, person and life" of tribal members, and to include sufficient amounts in the forthcoming President's budget to Congress to provide such funding.

**FURTHER**, I implore Congress to appropriate funds sufficient to satisfy the United States treaty, statutory and trust obligations to provide protection and law enforcement support and cooperation on the Pine Ridge Reservation.

**FURTHER**, I call upon President Joe Biden to:

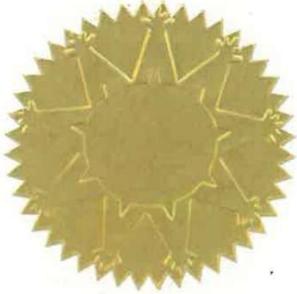
- Direct the U.S. Department of Health & Human Services to provide the Tribe with the sufficient number of behavioral health specialists and supportive services; and
- Direct the U.S. Department of Health & Human Services to assist the Tribe in securing sufficient federal funds to plan, design and construct an Inpatient Behavioral Health Treatment Facility that is direly needed on the Reservation as a resolute of adequate law enforcement on the Reservation.

**FURTHER**, I request that the South Dakota Congressional Delegation, Senators John Thune and Mike Rounds, and Congressman Dusty Johnson, hold field hearings on the lack of adequate law and order on Indian reservations in the State of South Dakota, and the causes thereof.

**FURTHER**, I request the House Committee on Appropriations hold oversight hearings for BIA this year.

**BE IT FURTHER PROCLAIMED** that this Proclamation declaring a State of Emergency on the Reservation shall remain in effect through January 1, 2025.

**IN WITNESS WHEREOF**, I have hereunto set my hand this 18th day of November, 2023.



Handwritten signature of Frank Star Comes Out in black ink. The signature is written in a cursive style and is positioned above a horizontal line.

Frank Star Comes Out  
President  
Oglala Sioux Tribe

**Appendix P**

**Crow Creek Sioux Tribe Declaration of Public Safety State of Emergency**



**CROW CREEK SIOUX TRIBE**

P.O. BOX 50  
 FORT THOMPSON, SOUTH DAKOTA 57339  
 TEL: (605) 245-2221 – FAX: (605) 2456

**Declaration; Public Safety State of Emergency  
 July 2,2023**

**Whereas;** The United States has Treaty obligations and Trust responsibilities to the CROW CREEK SIOUX TRIBE as set forth by the treaty of 1868.

**Whereas;** The treaty obligations and trust responsibilities of the United States are failing to be fulfilled, this failure is putting the tribal membership at risk of preventable violence.

**Whereas;** The failure to provide adequate law enforcement personal and resources is contributing to the Public Safety Crisis

**Whereas;** The lack of facilities to adequately house offenders contributes to the disproportionately high crime rate amongst adults.

**Whereas;** The lack of juvenile facilities, services and resources is contributing to rising suicide rates, rising addiction rates, rising missing and murdered rates and rising rates of violence and abuse within our juvenile population.

**Whereas;** The health, safety and welfare of the tribe and its members is at risk.

**Now therefore be it resolved;** The Crow Creek Sioux Tribe has taken the matter of Public Safety into its own hands and shall carry out the following;

1. Amend MOA with the SD Highway Patrol Department to engage when needed.
2. Engage with Brule County Sheriff's Department to lease jail cells to house criminals on a temporary basis
3. Re-open the Fort Thompson Police Department Facilities.
4. Establish Crow Creek Public Safety Security Task Force.
5. Hire Security firm to train public in gun safety and responsible use.
6. Establish a Tribal Dispatch Center which will be used as a Safe House.

7. Carry out Gun Buy Program.
8. Train and certify Crow Creek Public Safety Task Force in weapon handling and various other skills needed to effectively carry out duties.
9. Establish Ports of Entry/Security Checkpoints at entrances of the Reservation.
10. Contribute funding to the Crow Creek Tribal Courts, Healing to Wellness court program.

**Now Be It Finally resolved;** The Crow Creek Sioux Tribe demands the Bureau of Indian Affairs and the Office of Justice Services cooperate with the Crow Creek Sioux Tribe and acknowledge tribal laws and ensure the health, safety and welfare of the Tribe and its members and take immediate action and respond to the Public Safety Crisis.

I, Peter Lengkeek, Chairman of the Crow Creek Sioux Tribe, under the Executive Powers vested in the office of the Chairman, due hereby Declare a Public Safety State of Emergency on this 2nd day of July, 2023.



Peter Lengkeek, Chairman of the Crow Creek Sioux Tribe

Appendix Q

South Dakota Murdered Indigenous Persons in Indian Country 2023

Murdered Indigenous Persons on Indian Country 2023

Murder and Non-Negligent Manslaughter, and Negligent Manslaughter Supplemental Information

The following incidents were investigated and reported by the FBI.

These homicides are not included in the annual Crime in South Dakota publication.

Victim Count	Date	Reservation	Victim			Offender			Type of Force Used	Relationship of Victim to Offender
			Age	Sex	Race	Age	Sex	Race		
1	02/17/2023	Cheyenne River	70	Male	Indian	68	Male	Indian	Vehicle	Acquaintance
2	04/14/2023	Cheyenne River	25	Female	Indian	34	Male	Indian	Blunt Object	Acquaintance
3	05/27/2023	Cheyenne River	33	Male	Indian	22	Female	Indian	Blunt Object	Acquaintance
						47	Female	Indian	Blunt Object	Acquaintance
4	11/02/2023	Cheyenne River	58	Male	Indian	64	Male	Indian	Personal Weapons	Acquaintance
5	06/30/2023	Crow Creek	34	Male	Indian	18	Female	Indian	Firearm	Acquaintance
6	08/24/2023	Crow Creek	28	Male	Indian	31	Male	Indian	Vehicle	Acquaintance
7	03/25/2023	Lower Brule	30	Male	Indian	33	Male	Indian	Knife/Cutting Instrument	No Relation
8	01/30/2023	Pine Ridge	23	Male	Indian	31	Male	Indian	Firearm	Acquaintance
9	01/30/2023	Pine Ridge	44	Male	Indian	31	Male	Indian	Firearm	Acquaintance
10	02/18/2023	Pine Ridge	56	Male	Indian	64	Male	Indian	Vehicle	No Relation
11	04/01/2023	Pine Ridge	40	Male	Indian	21	Male	Indian	Firearm	Acquaintance
12	04/20/2023	Pine Ridge	57	Male	Indian	30	Male	Indian	Personal Weapons	Acquaintance
13	05/02/2023	Pine Ridge	16	Female	Indian	23	Male	Indian	Vehicle	No Relation
14	05/06/2023	Pine Ridge	39	Male	Indian	16	Male	Indian	Blunt Object	Acquaintance
						32	Male	Indian	Blunt Object	Acquaintance
15	05/24/2023	Pine Ridge	61	Male	Indian	52	Male	Indian	Vehicle	No Relation
16	06/27/2023	Pine Ridge	35	Male	Indian	26	Female	Indian	Knife/Cutting Instrument	Boyfriend
17	08/04/2023	Pine Ridge	18	Male	Indian	57	Female	Indian	Vehicle	No Relation
18	08/09/2023	Pine Ridge	18	Female	Indian	17	Male	Indian	Vehicle	No Relation
19	08/09/2023	Pine Ridge	16	Female	Indian	17	Male	Indian	Vehicle	No Relation
20	08/20/2023	Pine Ridge	19	Female	Indian	19	Male	Indian	Firearm	Girlfriend
21	08/20/2023	Pine Ridge	11 mos	Male	Indian	28	Male	Indian	Vehicle	No Relation
22	09/30/2023	Pine Ridge	17	Female	Indian	23	Male	Indian	Vehicle	Acquaintance
23	10/15/2023	Pine Ridge	34	Female	Indian	43	Female	Indian	Vehicle	No Relation
24	11/09/2023	Pine Ridge	21	Female	Indian	33	Male	Indian	Firearm	Acquaintance
25	01/05/2023	Rosebud	42	Female	Indian	29	Female	Indian	Vehicle	No Relation
26	03/08/2023	Rosebud	25	Male	Indian	45	Male	Non-Indian	Vehicle	No Relation
27	10/12/2023	Rosebud	38	Male	Indian	35	Male	Indian	Blunt Object	Acquaintance
28	03/10/2023	Standing Rock	22	Male	Indian	24	Male	Indian	Knife/Cutting Instrument	Acquaintance
29	03/10/2023	Standing Rock	63	Male	Indian	48	Male	Indian	Blunt Object	Acquaintance

Appendix N. Data from the FBI as reported by the South Dakota Office of the Attorney General (SDAG, 2024).

**Appendix R**

**Experts Demographics**

Participant	Indigenous (I) Non-Indigenous (N)	Female (F) Male (M)
Expert 1	I	M
Expert 2	I	M
Expert 3	I	M
Expert 4	I	F
Expert 5	N	M
Expert 6	N	M
Expert 7	N	F
Expert 8	I	M
Expert 9	I	M
Expert 10	N	F

ProQuest Number: 31236544

INFORMATION TO ALL USERS

The quality and completeness of this reproduction is dependent on the quality and completeness of the copy made available to ProQuest.



Distributed by ProQuest LLC (2024).

Copyright of the Dissertation is held by the Author unless otherwise noted.

This work may be used in accordance with the terms of the Creative Commons license or other rights statement, as indicated in the copyright statement or in the metadata associated with this work. Unless otherwise specified in the copyright statement or the metadata, all rights are reserved by the copyright holder.

This work is protected against unauthorized copying under Title 17, United States Code and other applicable copyright laws.

Microform Edition where available © ProQuest LLC. No reproduction or digitization of the Microform Edition is authorized without permission of ProQuest LLC.

ProQuest LLC  
789 East Eisenhower Parkway  
P.O. Box 1346  
Ann Arbor, MI 48106 - 1346 USA