

State-Tribal Collaboration Webinar Series
**Building Collaborative Relationships to Enhance Tribal-State-Local-Federal
Public Safety Efforts**

Cabell: [silence 00:00:00 - 00:00:21] Good afternoon, everyone. This is Cabell Cropper. I'm the executive director of the National Criminal Justice Association. I would like to welcome you to Building Collaborative Relationships to Enhance Tribal, State, Local, and Federal Public Safety Efforts. This webinar is the fifth in a series of webinars that focus on tribal and state collaborations, issues that impact tribal justice systems and efforts that help bridge the gaps between justice system stakeholders.

Before I go any further, I would like to thank everyone in the audience for joining us, to BJA for making this webinar possible. Before we get started, I would like to cover a few logistical items. First and foremost, we'll be recording today's session for future playback. The link to the recording will be posted on both NCJA's website, www.ncja.org/webinars, and also at the National Congress of American Indians' website, tloa.ncai.org. These links will also be emailed to all the attendees and to the people on the waiting list.

Today's webinar is being audiocast via the speakers on your computer. If you do not have speakers or would prefer to use your phone, please use the number contained in your registration email or on the event tab located on the top, left-hand side of the screen.

Given the number of people joining us today, we have muted participants to reduce background noise. If you have questions for the presenters, we encourage you to submit them using the chat feature on the right side of your screen. Please select host and presenter from the drop-down menus next to the text box.

If you would like to communicate with NCJA staff during the webinar, please submit your comment using the chat feature to the National Criminal Justice Association or host. The session is scheduled for one hour and will end no later than 4 p.m. Eastern time.

If you have technical difficulties or get disconnected during the session, please note that you can reconnect to the session using the same link that you used to join the session initially. You can also call WebEx technical support at 1-866-229-3239.

In the last five minutes of today's webinar, we will ask you to complete a short survey. The information you provide will help us to plan and improve future webinars and meet our reporting requirement.

At this time, I would like to introduce our speakers for today's webinar. First, Pascual Marquez has more than 45 years' experience in the area of conflict resolution. Forty-one of those years have been spent as a professional mediator in the United States Department of Justice, Community Relations Service. During his career with the CRS, he

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has assisted state and local governments, sovereign American Indian tribal governments, law enforcement agencies, school districts, and community groups during times of civil disorder and community unrest.

Our second speaker is Dr. Grace Sage, who is an enrolled member of the Oneida Nation of Indians of Wisconsin. She received her PhD in clinical psychology from the University of Montana, and is currently a reconciliation specialist with the US Department of Justice Community Relations Service. Previously, she worked on the Confederated Salish and Kootenai Reservation, Montana, mediating school/community conflicts and serving as a consultant on several grants.

With that, I'd like to turn it over to Mr. Marquez. Pascual?

Pascual: Thank you, David. Welcome, everyone. We're going to start this right off the bat. We don't have very much time. We're going to start with Dr. Sage, who will take us through the first few slides. She will also explain how, what, and why we have so much information on our slides for you. Dr. Sage?

Grace: Thank you, Pascual. Thank you to all of those who have joined us today for this important webinar. I'd like to share with you that the title, Building Collaborative Relationships to Enhance Tribal, State, and Local, Federal Public Safety Efforts is really also included in that is consistent American Indian cultural knowledge. Part of that is developing relationships, part of that is applying best practices, and much of that will have to do with the justice systems that we all have relationships with.

When I think about cultural knowledge, I just want to make sure we're on the same page so I provided our definition that we have at CRS that we really build our skills and our knowledge specifically to American Indian, not only tribal members but also the communities. There is some real benefits for all of us when we gain cultural knowledge. Part of that is that we tend to not use them so much, the stereotypes or the generalizations that we've all be raised with. We really can enhance our partnerships or establish better partnerships based upon a collaborative understanding of what that culture and those cultural differences that exist between us, how we can overcome them or build bridges over them.

The objectives, again, are to increase our awareness and understanding. You can read the rest of those. The best one and this one is to communicate how best practices can be used to enhance those justice partnerships. We will deliver that information through the course of this webinar by providing both casework and best practices but also development of relationships.

There is, again, some key terms. I'm really big on people understanding things similarly.

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Still, I put in key terms as Indian and Indian country to ensure that we're all on the same page and why we use those words or that language throughout this document. You can find much of our legal definition in the US Code where Indians and Indian country are, in fact, defined but you can also understand that tribal nations themselves, they can recognize a person as Indian or not by their own sovereign standards.

I think one of the most important things in this particular slide that I would want you all to walk away with is that even though we constitute about 1 to 2% of the US population according to 2010 Census, we also represent over 50% of the diversity, which is why I would again reiterate that I am an enrolled citizen of the Oneida Nation of Indians of Wisconsin. There are 566 federally-recognized tribes. All of them create a little bit of that diversity that is represented in the US population.

Many people in tribal nations recruited themselves as American Indian or American Indian tribes. Much of that is related in no small way to how we're talked about, how we're written about in terms of our treaties that were in existence prior to the 1870s.

Here's a little bit of a picture. I like pictures because I think they give us a good view of where many of those tribal nations are located. You can see for yourself that many of them [wide west 00:08:55] up in Mississippi River but there are so many federally-recognized tribal nations on the Eastern and in the Midwestern part of the United States.

I'm just going to talk briefly about American Indians and the stereotypes. I bring this forward because I think sometimes people think that the stereotypes do no longer exist but in fact, they do for all of us unless we have a made a concerted effort to try to alter that way we identify one another in our world.

First, I'm going to show you some slides about stereotypes that we've heard at CRS and throughout other experiences, about Indians, and also talk a little bit about what Indians have some stereotypes of us also, as federal and state and local agencies. The development of those stereotypes impacts both our communication and the ability for us to develop relationships.

I'm not going to read these but I think many of us have heard some of these stereotypes over the course of time. I would just, when we end the webinar today, have you go back and look at some of those and see how many of those you might have heard, maybe in your own cultural context while you were growing up. They continue today. That's the unfortunate part.

Some of these stereotypes, American Indians, they have governments. Not only government but specifically education or health care or law enforcement, which is why

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we need to be better about establishing relationships. We do that by understanding what people think about us but also how we think about other people. Some of the Indians think that we're, as you can see in the list, not extremely reliable. We drop our resources and then leave, so we can't necessarily be trusted.

This is, again, a picture for us to look at because this is really what the impact of those stereotypes are on everybody's relationship that lends itself through a great deal of misperceptions, misunderstandings, and confusion about what things are. Sometimes, that develop to fear about the other, whoever the other is. As a result of that, we don't experience each other in a way that we can begin to establish a relationship, which, again, is built on trust.

I will do these last couple of slides, then I'm going to have my leader speak for a little while. One of the questions that we get asked frequently at CRS are, "What makes American Indian tribes and nations so unique? What's the big deal about them?" When I look at what's the big deal about them, these are three of the main things that I can think of. The sovereignty, the government-to-government relationship which further established trust, responsibility with the United States government.

Sometimes, there is some confusion about sovereignty but this is sovereignty as it's defined by not only the United States which is also a sovereign nation but sovereign nations throughout the world. This is the tribal nations, and many of them have identified this definition as the way they understand sovereignty. As you can see for yourself, this is really important on a couple of levels. Not only can they determine membership but they also confirm their own government. While the government typically mirrors the United States government in terms of the executive, the judicial, and the legislative branches of government, sometimes those branches operate differently on tribal nations. Also, one of the things that I also like to underline is the administration of justice, which is an important and unique way in which tribal government can operate and do operate in the United States.

The government-to-government and trust responsibility between that time I was talking about 1787 and in the 1870s, that treaty making was ended at that point and time but there were over 400 treaties. Part of those treaties were created in order to preserve and protect the well-being of not only the American Indians but also to protect their land, which at that point in time in the 1870s were being stolen or sold for less than value of what that land was worth.

That protection, that preservation of that relationship that was written in the treaties later became known as the United States obligations. Their obligation to us was to fulfill this trust responsibility. You can almost hear that this is the way relationships are established across the United States, not only with American Indian tribal nations but

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with other nations as well.

Pascual, I'm wondering if you would like to look at some of the time line events in Indian history.

Pascual: Sure. Yes, of course. The Discovery Doctrine is if somebody found the land unoccupied, then it's theirs or the Marshall Trilogy that laid the foundation for other decisions made by the Supreme Court regarding American Indian nations and then its dependents and finally get in self-determination but the caveat that it can be abrogated by Congress.

The Discovery Doctrine was originally an agreement made between England, Spain, and France. This is why Canada and Mexico make it an agreement. They needed a larger land base and agree that if either of them, that is Canada or Mexico, go to any place in the United States and don't see anyone on land that they're surveying, then they can claim that land as theirs in the name of either Canada or Mexico. After they discover the land, another country can come in and discover it again, even though it still may be uninhabited. Of course, we've got some of those time lines with dates. We ask you to please to go your favorite search engine and to do some further research on this because, as I said in the beginning, we have very little time. Please check this out. It's very important.

We'll go onto the next slide. Okay, the Indian Trade and Intercourse Act of 1790 provides that, "No person shall be permitted to carry on any trade or intercourse with the Indian tribes without a license for that purpose under the hand and seal of the superintendent of the department or of such other person as the President of the United States shall appoint for that purpose; which superintendent, or person so authorized shall, on application, if issued such license to any proper person who shall enter into bond with one or more sureties approved by the superintendent, or person issuing such license, or by the President of the United States, in the penal sum of one thousand dollars, payable to the President of the United States, for the time being, for the use of the United States, conditioned for the true and faithful observance of such rules, regulation and restrictions, as are now or shall be made, for the government of trade or intercourse with Indian tribes."

Again, very important dates, very important act. It needs further investigation. You need to search these out and learn more about them. Learn as much as you can. It all goes towards the development of good relationship with tribes and, of course, in the formulation of the causes that we need to do.

We're on Time Line Continues slide now. The Indian Claims Commission Act of 1946 is important determination, 1945, 1961. This is a very important era, for it sets up this type of condition. After the Second World War, the US political climate was more

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conservative. Within this climate, the Indian claims of sovereignty and self-determination did not fare very well.

In 1953, Congress passed the Termination Act, known as HR 108. The goal of this legislation was to terminate the trust relationship with Indians as soon as possible and to terminate the existence of several tribes. Several Indian tribes, originally 13, were terminated to test its impact and success. Termination ended all federal programs, ended tax exemption and transferred legislative authority over to the States. Between 1954 and 1961, 40 more tribes were terminated. The Congress has never expressly rescinded termination, although the courts have reinstated 21 of the terminated tribes. One aspect of the termination was applied to all the tribes in the US.

All right. I'm going to hand this back to Grace again, building relationships with tribal considerations.

Grace: Thank you, Pascual. I really want to follow up with Pascual about the Termination Acts because out of that came another public law which would be known as Public Law 280, where the federal government passed a law allowing state jurisdiction over Indian affairs.

Several things happened from 1945 to 1961. Many of the members of tribal nations that you provide services to or that you do your business with or end up in a justice system or in a court system were impacted by these very acts. Many of them, remember, if not for themselves, family members who were also impacted by these acts. It becomes not only a tribal nation that is impacted but individuals within that tribal nation, specifically on the Relocation Act of 1954 has impacted almost every urban American Indian in the urban setting.

When we think of Indians, sometimes we think of reservations but there are also large urban Indian communities throughout the United States in Minnesota, in Missionary, in California, in Denver, Colorado, in Chicago, Illinois. There were large Indian populations who were relocated there in Los Angeles, California, large Indian population that were relocated as a result of this Relocation Act of 1954. Members who were relocated and their families still remember that, even though they may have returned to the reservation. That, again, is one of the impacts of the termination era that frequently gets interwoven with what we, as federal agencies or as justice systems, encounter when we go out to tribal nations.

The time line, as its continued, is the public law that I was referring to, which was the first times that the federal legislators really set and extended to the States that jurisdiction. There were five states that were mandated, including Alaska, California, Minnesota, Nebraska, Oregon, and Wisconsin to prosecute most of the crimes that

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occurs in Indian country.

Other states may have assumed at least some of that jurisdiction that was enacted by Public Law 280. They also are included on any information that you might want to look up regarding Public Law 280 but it limited the impact it had on tribal court systems and tribal justice systems since that it limited our ability to have civil jurisdiction or criminal jurisdiction at about certain domestic matters.

The Self-determination Era then happened in 1961. It really got kick-started in a number of different ways, not the least of which was of the Indian Civil Rights Act, which was passed in 1968. Bobby, I'm not going to go into all of that but it began to look at how we, our Indian nations, enforce and enact our own laws. To that end, it wanted the Indian nations to follow the Bill of Rights of the United States Constitution. Many of the tribal nations then began to really step up and look at their own civil rights in their own nations and determine how they could make them better.

There were many acts that were passed during the Self-determination Era but there were a couple of notes about the Self-determination Era. Self-determination first gets identified and talked about in Marshall's Trilogy back in the 1700s. He first talks about self-determination as being one of the ways in which Indians could really determine their own outcome.

Again, it gets reiterated in the Meriam Act when Meriam files his report with the United States Congress and talks about self-determination but he uses self-governance, that we can self-govern ourselves. Again, we're hearing more and more about a deliberate way to define a relationship between the United States government and the tribal members and the tribal nation. I think that's the piece that we can walk away with.

Two of the most important and recent acts that have been either re-authorized or enacted was the Tribal Law and Order Act, which looks back at the Major Crimes Act and really starts to establish that tribes can have law and order and jurisdiction over criminal and civil domestic matters that happen on the tribal land. That was a big piece of legislation that begin to empower the tribal court system again.

It had already been empowered. We already know that the Cherokee courts had won, in fact, at the Supreme Court level during John Marshall's time, a case that they brought against the [existence 00:25:48] of the Cherokee nation. They said, "We have the rights to be our own court and in fact, we have a responsibility to have a court system that can try its own members." The Supreme Court sided with them during that period of time.

We come to 2010. We have the Tribal Law and Order Act. That gets reinvigorated. It gets re-stated in a number of the sections of the Tribal Law and Order Act.

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Second but not less than is the VAWA, Violence Against Women Act, which was originally passed to 1994 but it was reauthorized finally. In large, it broadened the scope of the Violence Against Women Act, which looked at other jurisdictions which formerly were not included in protection in the same way we might all want to feel safe and protected. That was reauthorized in 2013.

Again, I welcome all of you to read these important pieces for the legislation because they are ones that, when you go and work in the Indian country as you probably already all know, many people are really well-educated about these acts and these documents. They can talk about them in a way that makes me aware that I have to step up and do better, have a better understanding of the tribal nations that I work with.

I'm going to pass it back. Here, we're starting now, looking at, now we've looked at our time line. For any of us, when we look at our time lines, we certainly could see significant events that have impacted us or our families or our communities. These now lead to how we establish ourselves into broader communities and how we build ourselves, build our relationships. It is no different for tribal communities. Here is some building relationship tribal considerations.

I'm going to take this first slide. Then, going to pass it back to Matt Pascual. Building relationships is really both, I guess, there's a written part of it. Then, there's an unwritten part of it, a world view, if you will, about a cultural understanding. Part of this comes from the work that we do with the tribes and the tribal members here at CRS but I'm sure much of it is not new to many of the people who are on the line.

Right now, we know, for example, there are times of the year when we shouldn't necessarily shake hands, although in this world, in the federal world, it might be perfectly appropriate to shake hands all year long. I can tell you that, with some tribal nations, we have to consider that there are different ways of that, different ceremonies that people have. For example, during sun dance ceremonies, if you're working with the Rocky Mountain region American Indian tribes, you have to be aware that there may be some ceremonies where you can't shake hands with all of the people that maybe you have a relationship with.

For the way I was raised over in Salish Kootenai country, you can't shake hands during our weirs ceremony with the people that have medicine lodges and have medicine dances.

Different tribal have very different customs. It really is encouraged and important for us to gather as much of that information as possible either by asking questions or having a really good resource or number of resources who can maybe direct you to people that

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you can talk to and ask questions that might seem embarrassing but it would be more embarrassing if you didn't have that information.

Looking people in the eye, that's, again, not a common culture that's shared across all Indian tribal nations. I'd have some who look me in the eye but many who do not. It's not necessarily generational, I have found. It just happens to be something that people do as a way to show you that you are honored, and that you are important, and that they are listening.

Speaking and silence, I think we all know that speaking is the way we give a lot of information in this world, but silence is also a really welcomed way to get a lot of information. I'm thinking about all of you on the webinar today who are in silence, listening to so much information and knowing so much also but speaking is one way and silence is another way. It's also peaceful, and it shows peacefulness, and it shows thoughtfulness, and it shows that people are listening, which is the other important part of communication.

Sometimes, what we interrupt because we're anxious to respond or we talk too loud because we think people aren't listening to us, those are ways that are observable of not maybe honoring a relationship and being okay with the silent because when you ask a question, in some cultures, you get an immediate response when someone raises their hand but in other cultures, and in tribal nations particularly, that doesn't always happen.

There are also use and belief in animals. I can tell you about a couple of times when people have done some, at the break, when they're doing training, they're trying to get people comfortable. Sometimes, they'd use animals and they'd used that in settings, for sometimes, those animals are sacred or only spoken about at certain times of the year because some cultures have that belief. I think that's another piece that we really have to be aware of.

Then, there's always the telling of stories. I know that we all have probably or many of us have been raised around people who sit and tell us stories. That's a really important part of how we learn to listen and how we learn to be silent. There are lots of closed stories. Sometimes, when I ask a question, I get a story. I have to be patient because in that story are some clues that I can ask further questions about to better understand but it might seem unrelated initially but it might not be unrelated at all. It might really offer a better way of understanding what they're trying to explain to me.

There's also the use of ceremonies. If you're invited to smudge, if you're invited to a sweat lodge, I would welcome you to ask questions or information about that. Of course, it's up to your comfort level but to recognize that that is a way for them to say, "We honor you. We welcome you to these ceremonies that we have practiced for

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thousands of years."

Now, back to Pascual.

Pascual: Thank you. Thank you, Grace. I think we can tag out with what you've said on the building relationship to the tribes and tribal members. Basically, we're speaking of signal systems. Signal systems throughout the world are different, of course, and that's in relationship to how you view other people. Eye contact, shaking hands, other cultural aspects. I think the key word there is respect, which we'll segue right into building relationships with tribal considerations. Respective in a dual mode here, you have to respect not only the people but you have to respect the sovereign government, you have to respect the tribes.

As Grace just said, if you don't know, the simplest way is to ask someone. I've had more comments from more people asking me, "How do we actually go on a reservation and try to establish a relationship with that tribe?" I say, "You're talking about people. Before you go there, make a telephone call, make an appointment. You may have to wait a while based on their schedules but respect that and respect the tribes as governments."

You have to know that the tribal nations are not just another interest group. CRS, we need to understand the relationship that has already been established by the United States government with the federally-recognized tribes. The relationship between the government and over 500 tribes was created by treaties and contained the two most important concepts of trust relationship and sovereignty. That is, when we work with tribal nations throughout the United States, we have to maintain the relationship that was established by the United States Department of Justice. To obtain a copy of the government policy on Indian sovereignty, you can go to a website and look that up. That information will be tied in at the end of the slides. You will be able to get those before the webinar is over.

Building relationship with tribal considerations, you need to create resources with tribes and tribal members and recognize that that takes time and effort. It's true with any relationship that we establish with any community. It sometimes takes longer with Indian nations due to their past history and with the United States government and their representative. It is an important first step to identify tribal leadership with both the governing body of the tribe as well as the spiritual leaders of the tribe.

After the initial identification, it is important to meet not only with the tribal leadership to discuss with them your role, job and how it might be helpful. If you don't get an overwhelming voice of support, do not be discouraged. The tribal leadership will recognize that you are being respectful. There might not be a traditional spiritual leader

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but rather a group of leaders or headsmen. Make sure that you meet all of them. As a token of respect, you may want to carry tobacco, like the type that you roll in cigarettes and put in pipes or some other small gift to show that you're respectful. Be careful, though, that you don't give feathers or other kinds of animal gifts. You might want to take a trip to a local reservation or Indian nation that you will be working with prior to a conflict.

Okay. Our next slide. Be aware that, when you ask questions, it may take some time to answer. You have to allow for the community, for the tribal members to answer your questions. You should find out how the tribes can participate and respect the right of tribal members, groups not to participate. Again, the key words that I started my presentation after Grace was the word respect and duality to the tribe and to the participants as well. Make sure that you're clear about the work with the tribal members and ensure that they have a clear understanding of what you do.

Okay. Don't want to take too much time on that. Let me go to the concerns of Indian nations and members. You ask, "What are the concerns of Indian tribes or what concerns have been identified when they contact agency for assistance?" You'd be surprised. People often remark that those concerns are the same type that any person or group in the United States. It's not so surprising that they would want their identity for their children and families that they're interested in the language revitalization, that cultural appropriations, exploitation, that they're interested in education. It's the same as anybody else. They're not that different. They may be a difference in the way they approach it but not with the way that they need.

Okay. I think now that I'm going to hand that back to Grace.

Grace: Okay. Thanks, Pascual. I'm just going to let you look for yourself on CRS services and casework. We have three distinct areas that we provide services in. One is administration and justice. The other one is in education. The other one is general community relation. I like to tell people that it's neat and clean when you put it on paper but it's never neat and clean or so easily identified. The intersection of those particularly come together when we do work in border towns and American Indian nation.

I'm going to move right into best practices because I know that our time is limited, and I do want to be able to respond to some of the questions that were pre-submitted prior to the webinar.

Best practices, at the beginning, these are just general best practices. I would welcome you to read those at your leisure, so we can forge ahead in terms of the remainder of the webinar and the webinar slide. Probably, the most important one on this page is

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please go out, experience the culture. I tell people all the time. They say, "Oh, gee. We'd really like the go." Come to a pow wow. I welcome you to come to a pow wow and people will welcome you there. It's a nice way to begin a relationship that feels safe for everybody.

Also, I always tell people that best practices means that you really have to encourage and support local and tribal involvement. You really have to intentionally work to make sure that those are ongoing and building. If someone doesn't answer your phone call the first time or doesn't answer the email, call back. Call back and continue to try to establish that relationship. You have to involve everybody.

That being said, here are some BJA resources. I would just like to give you some best practices with regard to the justice relation. I don't know if we have time for that or not. I think we do. I just want to talk about a couple of cases that we've had at CRS with regards to the justice system. We have been called in on a number of casework involving the justice and the court system. Typically, they're around protocols involving American Indian tribal nations and non-native communities. They really want to ensure communication but they want to develop a mutual way to have that communication, manage it and their energy be directed towards creating a workable relationship. That sometimes includes training as well as workshops but also there have been demonstrated practices out in the United States where there have been wellness courts that have been established by tribal nations and other local community court systems, neither of which has the funding or the resources to be able to establish their own system individually but collaboratively and in partnership, they can really work together to establish a wellness court is what they've come to call it.

One of them is located at Leech Lake in Michigan, and one of them is located in Wisconsin, I believe. I might be wrong about that last one but there are examples out there. If you are interested in wellness court, restorative justice practices that really help us look ahead of ourselves and build better and more practical relationships with tribal communities around court systems and restorative justice practices. The resources are available. I would welcome you to follow the resources from BJA as well as other resources that are on the internet.

I think I'm done. Pascual?

Cabell: This is Cabell Cropper at the National Criminal Justice Association. When people register for the webinar, they registered some questions that I'm going to throw out to Grace and Pascual, starting off with, "If I'm planning to work with a tribal law enforcement agency, what is the appropriate way to request that partnership? Should I go directly to the chief of police or ask the chief to address the tribal council or governance?" Certainly, this person that's asking this question is either a local sheriff or a local police

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officer. What would you suggest, Grace?

Grace: I would suggest ... [Bose 00:45:09], I'm getting feedback. Oh, sorry. Okay.

I would suggest, Bose, I think it's really important for you to specifically when we get called in, the conflict has already arisen. Law enforcement is already involved. It's really important for CRS to get to know the chief of police. But, then I would ask and at his convenience, that if we could meet with tribal members or tribal council justice members that serve on the justice boards within different tribal groups and nations throughout the United States.

Go ahead, Pascual.

Pascual: Yes, I think it's important for the protocol to continue from the top down. An emergency that, it may have to vary to some degree, depending on what's occurred. If it say, if it's just a light situation, it's best to go through and to speak with the tribal chair person or with the person that he will refer you to. In this case, it would probably be the tribal chief of police.

Cabell: Yeah. What kind of services can your office, CRS, provide in a case like this? If I were a local sheriff wanting to make contact with the tribal nation with whom I share a boundary, what kind of services can you provide?

Pascual: We can certainly listen to what the concerns are, first of all. We need to hear what's impacting the area, both from the sheriff as well as a tribe. If there's a conflict there, we would set up a process to bring both parties together and depending on the situation, we would in every instance inform the US Attorney for that district that we were going into that district and not necessarily to tell them whom we were meeting with but what the conflict might be. We would bring the parties together. Depending on the situation, if it was an issue where boundary disputes or policing, in the past, we've recommended and worked through cross-deputization. That means that the tribal police officer would have to be certified at that particular state's law enforcement training. That would be able to do both policing on the reservation and in the border town or the jurisdiction next to the reservation. That's one. That's a big one.

Some mention says there's a use of deadly force or a use of excessive force that may have been allegedly perpetrated against a tribal member. We certain want to, again, contact the US attorney for that particular district. We want to, after we talk to the tribal officials, we want to speak with the law enforcement agency, whether it be a sheriff or police department and inform them as to what the allegations are and try to bring the parties together and see if we can work something out collaboratively in a restorative justice type of model where people, depending on whose committed what,

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as to possibly not serve time and do restitution in other ways, such as a wellness court that Sage talked about in Minnesota.

Cabell: Thanks. The follow up on that is, "What is the formal process of a local law enforcement or a tribal leader needs to go through to request assistance from your office?"

Pascual: That's very easy. There's information in the materials for this webinar that give all of our regional offices, and which states they cover, and gives the telephone number. It also gives the four field offices that we have located throughout the United States. All it takes is a telephone number. If it's an emergency, we respond within 24 hours. If it's not an emergency, we'll try to respond by three days. It's very simple. You don't have to write. Just call us. If it's jurisdictional and if it's something very important, we'll have somebody on the way within 24 hours.

Cabell: You can respond about immediate issues in terms of incidents occurring but also in terms of developing collaborative programs or processes between tribal governments and state or local agencies?

Pascual: Yes, that is true. Grace has been working some of those just recently, I believe. Grace, you want to chime in on this?

Grace: Sure. Okay. One thing that I wanted to add that I'm sure you're thinking of, Pascual, is it's really important to establish these relationships prior to any incident occurring but when it does occur, we are available by phone. Typically, people already know about us because when we're there, we do courtesy visits to people. We like them to know that we're in their community. We like them to know who we are and what we can provide, both in terms of jurisdictional information but also service delivery. It's really important.

One of the things that I wanted to say is sometimes it takes ... There was a case that I was working on where I had to do some shuttle diplomacy for a while before some of the tribal elders would even consider meeting with the sheriff of that particular county or the members of his deputies. They would not meet with the chief of police. They would not meet with member of the city officials. There was some shuttle diplomacy that has to be done at times.

Finally, at one point, I recognized that it may be better for them to get the information first hand as opposed to second hand because I can only report what I had heard but it might be different from what they might be able to hear. They agreed to that meeting. It turned out to be a really productive meeting but again, that shuttle diplomacy seemed to be a necessary process and step that got spontaneously interjected because I knew that if I could just elicit enough trust for that time period, that I could bring them together at least for a period of time. No one would not welcome that. It turned out

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very well as a result of that situation. There wasn't any disruptive or violent response to any of what was being alleged against either group.

Cabell: That process was initiated by a request from a local sheriff? Is that correct?

Grace: That's correct, yes. Yeah, the sheriff invited me in because he said, "You know, I think this is going to be really big trouble and they won't talk to me." That's how it started.

Cabell: Okay. I have a specific kind of question here. "We have a grant where a tribal attendance officer will be entering schools to help at-risk students. Does an MOU or an MOA need to be in place to ensure best care or accessibility won't be an issue? The tribe now would like elders to help as peacemakers. How would you approach something like that?"

Pascual: This is Pascual. I know Grace has something on this. I just wanted to say that, as I said earlier, restorative justice models are very good to accomplish some of the things that occur that you just mentioned. The use of tribal members as resources. It's something that we always encourage. We look at that almost foremost before anything else to involve and participate. Also, as we said earlier, to respect their wish not to participate in that function, but Grace, go ahead.

Grace: Sure. Thanks, Pascual. There are a number of things I'm thinking of but in the cases that I was working on happened to be in education. The elders were pacemakers. We do have people who are CRSers now who have a lot of restorative justice experience and expertise that I do not. We also have former members of CRS who are restorative justice practitioners at this time. I would want you to be aware of that. That's a little aside.

The thing that the tribe wanted before this was going to happen and felt like it would not happen if they did not write it down was to have a memorandum of agreement in place. That took some time for us to really construct the language and have people at the table of the school officials as well as not only the administrators but school officials who were going to have to implement the practices that the tribe wanted on paper. That became a policy for that school.

As a result of that, that school has never found themselves having the high rate of at-risk students. They have a better graduation rate and they have some other data that really says to me that even when you put it down in writing and you really establish that, we can look back at the real word of what we said we were going to do. The practice of that becomes applied in a way that's different than when we sometimes promise things that we can't really deliver or don't deliver in the same way that everybody might understand. That was a really exceptional opportunity that I had to witness and that I had the opportunity to be a part of. It was quite striking.

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I would say MOAs are sometimes really necessary for the tribe because they do believe, especially tribal nations, this happened to be down in the Southwestern part of the United States. That tribal nation was very enamored of saying, "We need an MOA."

Cabell: Thanks. We just got a question here that I'm going to direct to Norena Henry, who is sitting here. She's a senior policy advisor at the Bureau of Justice Assistance. The question is, "Would BJA consider hosting a meeting of tribes to promote wellness courts and include statewide drug court coordinators? Many tribes are not aware of this concept and need to consider implementing wellness courts."

While Norena's answering this question, we posted the survey that we mentioned at the beginning of the webinar. If you all would begin to fill out that survey, we'd appreciate it, but Norena.

Norena: Hi, all. BJA does fund many Indian tribes to develop, implement and enhance healing to wellness courts out of various resources within the Bureau of Justice Assistance, either through the national drug court program or the coordinated tribal assistance solicitation activities. What many of the tribes who are involved in this particular effort have done is participated in national conferences that BJA holds on drug courts.

This year, I had an opportunity to take a look at their agenda. Prior to the conference beginning, we do have one of our federal partners who does host a meeting with all of the participating healing to wellness courts. They do have a lot of items to discuss. It's usually a good six hours of meetings. Then, once they're done, they are able to then participate in the rest of the conference.

I have yet to see one of the meetings where there is a tribal and state coming together of the healing to wellness courts and the drug coordinators. I think that is a good idea. I can certainly take that back to our office and share that with our drug court program office and my colleagues in BJA.

Thank you for the question.

Cabell: Thanks, Norena. I wanted just to point out a couple things. I think we've heard that CRS is an important resource for people in tribal nations as well as state and local law enforcement in traditional agencies in terms of building cooperative and collaborative relationships, but I also want to mention that BJA has an array of training and technical assistance providers that provides in all kinds of TA for tribes and state and local governments. Those resources are listed on the BJA website. It's a link on one of the slides in this presentation. To that website and Norena is a good resource. I would say, if you have a question, you don't know who to ask, call Norena. She'll find out the

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information.

If you continue to fill out the survey, I want to ask Grace and Pascual one last question. Grace, if you had one piece of advice to give to tribal and local criminal justice leaders, what would that be? Grace, you there?

Grace: Yes, I am. Sorry. I'm thinking. Begin by building a good relationship with one another and understand that takes time.

Cabell: Thanks. Pascual, do you have anything to add to that? What is your one piece of advice?

Pascual: I would say that patience is a virtue. Also, what I mentioned earlier, the element of respect when dealing with a sovereign nation is critical.

Cabell: Thanks. I think that's very good advice. We appreciate your participation in this webinar. I'd like to thank both Pascual and Grace as well as all of you in the audience for participating. We hope you join us for our next webinar. Thanks again and have a great afternoon. [silence 01:00:44 - 01:01:23]