Instructors:
Matthew L.M. Fletcher
April Youpee-Roll
JoAnn Cook (consultant)

Required Course Materials:
All required materials will be available on Canvas.

Recommended Secondary Materials:
TK

Court Description:
Federally acknowledged Indian tribes attempt to provide law and order in Indian country within a difficult cross-jurisdictional matrix involving federal, state, local, and tribal agencies. This jurisdictional complexity, coupled with limited governmental resources, has helped to contribute to horrible violent crime rates in Indian country.

Outside of reservations in states such as California and Alaska governed by Public Law 280, Congress appropriates money for law enforcement. Either the Bureau of Indian Affairs or an Indian tribe, depending on the tribe’s preference, to manage a reservation police department. Additionally, intergovernmental negotiations and agreements between tribes and outside agencies is a critical part of the solution to the public safety problems. While in some places non-tribal government refuse to cooperate, each year there are more and more cooperative public safety
agreements between tribes and neighboring jurisdictions. In any event, tribal police must be certified either as federal or state police officers.

Modern day tribal self-determination allows Indian tribes enormous discretion to govern in accordance with their cultural beliefs. Many Indian tribes have established tribal justice systems that incorporate culturally appropriate restorative justice mechanisms on everything from sentencing to criminal procedure to diversion programs for juvenile and non-violent offenders. But those progressive advances stop at the police department. In short, tribal police are the same as state or local police.

A casual review of the cases in federal, state, and tribal courts shows that tribal police follow the police practices of the other law enforcement jurisdictions. They investigate, interrogate, and engage in police violence the same as non-tribal jurisdictions. Unarmed Native persons are shot and killed by police at a higher rate than all other races and ethnicities; many of those persons are shot by tribal police.

Indian tribes have not yet deeply explored whether and how to change their policing regimes. In critically important respects, tribes are true laboratories of democratic governance. If experiments in rethinking (or even defunding) the police happen, they can happen in Indian country relatively easily.

The instructors are all tribal citizens. They are tribal judges and lawyers. They are knowledgeable about tribal cultures and traditional. They study, theorize, and practice restorative justice techniques. They grew up in parts of Indian country where crime rates are very high.

Multidisciplinary teams of students will study the issues involving reservation policing on a specific reservation or a type of reservation and decide whether it is worth exploring alternate policing regimes. Students will engage with tribal, federal, and state judges, lawyers, and elected officials. Students will collaboratively generate ideas on culturally appropriate tribal policing regimes. Students will also collaboratively generate ideas on how to maneuver the legal and political landscape to allow space for progressive tribal policing regimes.
Class Schedule:

Class 1 – Introduction to the Problem: Tribal Police
Classes 2-4 – Problem Solving classes taught by Professor Carr
Class 5 – Peacemaking Workshop conducted by JoAnn Cook
Classes 6 and 7 – Researching and Developing Proposals to Study Tribal Police Departments

Guest speaker(s): Tribal public safety officials

MIDTERM Assignment – Complete Project Proposal for Specific Tribal Public Safety Department

Class 8 – Engage with Faculty, Consultant, and Other Students on Project Proposals
Class 9 – Engage with Tribal Departments
Classes 10 and 11 – Work on Proposal for Tribal Department
Class 12 and 13 – Present and Revise Proposals
Class 14 – Finalize

FINAL Assignment – Complete Proposal to Tribal Public Safety Department