

## Public Policy Memo Submission

Washington and the 29 federally recognized Indian tribes with territories that reside in the state have a shared interest when it comes to public safety. Washington tribes have recently been attempting to draft a piece of legislation with the Washington State legislature regarding the extradition of criminals for crimes committed on Indian Reservations. Tribes can exercise criminal jurisdiction over Native Americans but their ability to serve justice to criminal non-natives is limited to mainly domestic violence situations. At this time when a non-native individual commits a crime on an Indian Reservation, they can evade justice by simply remaining outside of Indian Land. This problem if left unresolved will continue to put Native Americans at risk, and from a public perception point of view enhance the rhetoric that non-natives can do what they like to tribal people without consequence. A full draft of this legislation has been compiled by numerous individuals that have a heavy stake in the matter and I have had the opportunity to work with these people firsthand. The Whitener Group, by whom I am employed, have been spearheading the discussions and bringing tribal and state government representatives together to create the draft bill.

The process created by the bill allows a tribal warrant to be served to a non-native state resident by the state or county officers that can locate or already have the person of interest in custody. The person of interest then could face a Tribal Judge for the crimes committed on the reservation and justice be served just as they would have had if they committed their crime on non-native territory. The bill outlines the due process issues that could come up and provides protection for state police against claims stating they are acting outside of their jurisdiction. These processes already exist due to Memorandums of agreement for some tribes, but legislation would allow for all tribes to protect their people regardless of relationships with local law enforcement.

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Tribal sovereignty is important and should be upheld in every way a tribe sees fit. Tribal sovereignty refers to the right of Native American tribes to govern themselves. The United States Constitution recognizes Native American tribes as their own distinct governments, and those governments reserve the right to regulate their internal affairs. That self-governance does come with its own set of limitations, relevant here the federal government retains criminal jurisdiction over non-natives. However, Washington is a Public Law 280 State, meaning the federal government gave some of its authority to exercise criminal jurisdiction of Indian tribes to the state government; due to Washington being an optional Public Law 280 State, different tribes have different levels of state criminal jurisdiction. For decades tribes have agreed on by treaty and through practice not to shelter or conceal individuals who violate state law and to surrender them to the state for prosecution. In the interests of public safety and partnership, the goal is to create uniform processes by which the state may consistently reciprocate with tribes the return of those individuals who violate tribal law and seek to avoid tribal justice systems by leaving tribal jurisdiction.