



ADDRESSING VIOLENT CRIMES AND SUBSTANCE MISUSE IN TRIBAL COMMUNITIES



IN THIS WORKSHOP WE WILL DISCUSS

- Violent Crimes in Tribal Communities
- Common intersections between violent crimes and substance misuse
- Jurisdictional complexities
- Law Enforcement experiences with intersecting crimes of violence and substance misuse
- The Isleta experience and systemic responses

VIOLENT CRIMES IN TRIBAL COMMUNITIES

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CRIME IN INDIAN COUNTRY

- Measures to improve the collection and reporting of crime data out of Indian Country is ongoing (See BJS Tribal Crime Data Collection Activities)
- From prior data it is estimated that Indian Country violent crime rates are more than 2.5 times the national average
 - 124 violent crimes per 1,000 persons in Indian Country
 - Indian people are most often victimized by non-Indians
 - 55% AI/AN women experience intimate partner violence during their lifetime
 - 42% AI/AN women experience “severe physical violence” from intimate partner during their lifetime
 - 43% of AI/AN men experience intimate partner violence during lifetime
 - More than 85% of intimate partner cases reported that the perpetrator was non-Indian
- BJS 2020 Tribal Crime report reflected a total of 5288 violent crimes were reported by 116 tribal agencies
- BJS reported in 2022 there were a total of 950 individuals held in tribal jails for violent offenses by the middle of that year (*July 2023 BJS Technical Report*)

SUBSTANCE RELATED CRIMES

**Unlawful
Possession/ use of
controlled
substances**

**Unlawful Sale/
Distribution of
controlled
substances**

**Unlawful
manufacture/
intent to
manufacture**

**Unlawful
Possession of
paraphenalia**

INTERSECTION OF VIOLENCE AND SUBSTANCE MISUSE

National Center for Drug Abuse Statistics – Key Findings:

- 1.16 million Americans are arrested annually for the sale, manufacture or possession of illegal substances.
- 26% of all arrests in America are related to drug offenses.
- 80% of Prison inmates abuse drugs or alcohol
- 7,334 homicides in the nation have alcohol as a contributing factor (48% of homicide offenders were drinking before committing murder)

INTERSECTION OF VIOLENCE AND SUBSTANCE MISUSE

Crimes commonly related to substance misuse:

- Homicide
- Physical assault/ Aggravated Assault
- Domestic Violence
- Unlawful use of firearms/ weapons
- Burglary/Robbery/ theft

WHO IS COMMITTING THESE CRIMES?

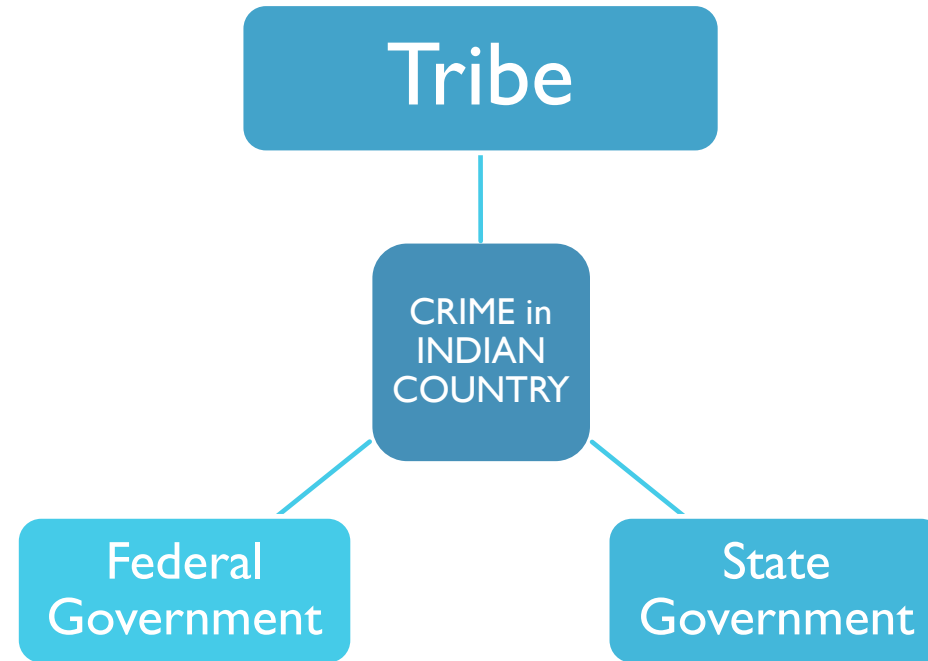
Individuals committing crimes may vary from Tribe to Tribe largely depending on demographics

Consistent and comprehensive statistical data remains difficult to obtain

Those who commonly commit violent crimes in conjunction with substance related crimes:

- Non-Indians
- Indians
- Intimate partners
- Members of drug cartels or gangs
- Others

JURISDICTIONAL COMPLEXITIES



JURISDICTIONAL COMPLEXITIES

Jurisdiction is largely determined by focusing on:

- Where the Crime was committed
- Who committed the crime
- Who, if anyone was the victim of the Crime

Additional Considerations:

- *Oliphant v. Suquamish*, 435 U.S. 191 (1978) – tribes generally have no criminal jurisdiction over non-Indians
 - Congressional exception: SDVCJ provisions of VAWA 2013 and STCJ provisions of VAWA 2023
- **Indian Civil Rights Act provisions impacting tribal courts**
 - 1301 (2) - "powers of self-government" means and includes all governmental powers possessed by an Indian tribe, executive, legislative, and judicial, and all offices, bodies, and tribunals by and through which they are executed, including courts of Indian offenses; and means the inherent power of Indian tribes, hereby recognized and affirmed, to exercise criminal jurisdiction over all Indians;
 - 1304 – Tribal jurisdiction over Crimes of Domestic Violence (2013) (non-Indian offenders)
 - 1304 – Tribal Jurisdiction over Covered Crimes (2023) (non-Indian offenders)



LAW ENFORCEMENT PERSPECTIVE

JULIAN GARCIA

CONTRIBUTING FACTORS TO VIOLENCE

Historical
Trauma

Socio-
Economic
Factors

Health and
Well-being

Social and
Cultural
Disintegration

Systemic and
Institutional
Issues

Policy and
Governance
Issues

Interpersonal
and Family
Dynamics



SUBSTANCE MISUSE, TRAUMA, AND CRIME

- Unprocessed trauma can lead to the misuse of substances
 - Creates isolation, depression or risky behavior
- Misuse of substances can lead to increase in chances of encountering the Criminal Justice System
 - Can start off slowly
 - Seeking money for substances, acceptance from bad influences, loss of identity or family
- Frequent encounters with the criminal justice system can create a path to frequent criminal or violent behavior
 - Narcotics sales, gang involvement, truancy Issues, domestic violence

RISK OF VIOLENCE WHERE SUBSTANCE MISUSE IS PRESENT

- Disinhibition – impaired judgement and lowered inhibition
- Psychological effects – paranoia, hallucinations
- Withdrawal symptoms – distress and agitation increases likelihood of violence
- Drug-related crimes – disputes over sales, territorial control
- Gang involvement – seeking acceptance, thrills and excitement, fast money, control the market
- Co-occurrence: Mental Health and Substance Use Disorders
 - Untreated mental health disorders may contribute to an increase in violent crimes.
- Broken Window Theory – disorder and misbehavior often encourages further disorder and misbehavior

LAW ENFORCEMENT: ADVOCATES FOR CHANGE

Education

- Substance misuse education and transparency with community

Economic and Social Support

- Employment opportunities, and affordable housing

Community Support

- Peer and family support programs

Access to Resources

- Substance Use Disorder and Mental Health services

Community-Led Initiatives

- An example program is The Bryan Brown Youth Academy

THE ISLETA EXPERIENCE

JOHN RAEL

CRIMES OF VIOLENCE AND SUBSTANCE MISUSE: ISLETA EXPERIENCE

- Programs and Services Isleta has implemented to address these crimes:
 - Establishment of Narcotics Task Force
 - HTWC
 - Probation
 - Behavioral Health Services
- State- tribal collaborations
 - Special designation of prosecutors as Assistant District Attorneys



QUESTIONS?

University of North Dakota
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THE NATIONAL
JUDICIAL COLLEGE

TRIBAL JUDICIAL CENTER

NCJTC

National Criminal Justice Training Center
Fox Valley Technical College

For Additional
Resources on
Topics Related to
Addressing Violent
Crimes in Tribal
Communities
Contact members
of the Training
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