



USET

SOVEREIGNTY PROTECTION FUND

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USET SPF Resolution No. 2025 SPF:001

ADDRESSING THE CRISIS OF FEDERAL FUNDING AND POLICE OFFICER SHORTAGES IN TRIBAL LAW ENFORCEMENT PROGRAMS

- WHEREAS,** United South and Eastern Tribes Sovereignty Protection Fund (USET SPF) is an intertribal organization comprised of thirty-three (33) federally recognized Tribal Nations; and
- WHEREAS,** the actions taken by the USET SPF Board of Directors officially represent the intentions of each member Tribal Nation, as the Board of Directors comprises delegates from the member Tribal Nations' leadership; and
- WHEREAS,** Tribal Law Enforcement programs across the country, including those operated by the federal government and those operated by Tribal Nations, are experiencing a crisis in police officer shortages and insufficient federal funding related to law enforcement, detention, and courts, as well as federal prosecutions, that is now significantly impacting public safety on Tribal lands; and
- WHEREAS,** these shortages are mostly the result of the longstanding shortfalls in federal funding for Tribal public safety programs, with harmful consequences that include an inability to hire sufficient numbers of police officers and many existing police officers leaving Tribal Nations for better wages and benefits in non-Tribal employment; and
- WHEREAS,** the longstanding shortfalls in federal funding also make it difficult for Tribal law enforcement programs to recruit qualified public safety officers to fill ongoing long-term vacancies; and
- WHEREAS,** Tribal Law enforcement programs routinely operate without proper staffing, requiring officers to work long hours without time off, creating enormous safety and wellness issues for those officers who serve our Tribal communities; and
- WHEREAS,** the federal government has not met its trust and treaty obligations to Tribal Nations by adequately funding Tribal law enforcement programs; and
- WHEREAS,** on December 6, 2023, President Biden signed Executive Order 14112, which directs federal agencies to design, revise, provide waivers for, and otherwise administer federal funding and support programs for Tribal Nations to promote Tribal self-determination and achieve maximum accessibility, equity, flexibility, and utility in federal funding delivered in fulfillment of trust and treaty obligations; and
- WHEREAS,** the Bureau of Indian Affairs Office of Justice Services is failing to consult and cooperate with Tribal Nations to find creative solutions to this crisis, such as allowing Tribal governments to re-program federal funds or ask the Secretary of the Interior to use her

authority to temporarily waive pursuant to 25 C.F.R. §1.2 certain requirements and standards in order to help Tribal law enforcement programs achieve greater flexibility and obtain temporary assistance, such as by using state-certified police officers or part-time police officers until some of the vacancies can be filled; and

WHEREAS, the Bureau of Indian Affairs fails to provide emergency funding assistance to Tribal law enforcement programs to help with recruitment and retention of police officers; and

WHEREAS, as a result of the failures of Congress and the Bureau of the Indian Affairs, Tribal governments have had to resort to using their own monies to fund Tribal Law Enforcement programs or to contract with non-Tribal law enforcement agencies to assist in policing Tribal lands, which has resulted in cuts to other critical Tribal programs; and

WHEREAS, as a result of the failures of the United States to fully fund its trust and treaty obligations related to law enforcement, some states have pointed to this lack of funding as justification for their attempts to establish new case law precedent providing concurrent state criminal jurisdiction in Indian Country, infringing on Tribal sovereignty; and

WHEREAS, in December 2010, the United States recognized the rights of its First Peoples through its support of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), whose provisions and principles support and promote the purposes of this resolution; therefore, be it

RESOLVED the USET SPF Board of Directors urges the Assistant Secretary for Indian Affairs to immediately initiate government-to-government consultation with Tribal Nations to explore options for the Secretary of the Interior to use her authority pursuant to 25 C.F.R. §1.2 to temporarily waive problematic requirements in 25 C.F.R. Part 12 to help address the public safety crisis in Indian Country; and be it further

RESOLVED the Secretary of the Interior, Assistant Secretary for Indian Affairs, Bureau of Indian Affairs and Office of Justice Services must use every mechanism available to them to fully fund or otherwise provide flexibilities for Tribal law enforcement programs, which may include reprogramming of other non-Tribal Department of the Interior funds, requesting assistance from the Department of Justice, gathering data on unfunded obligations, and making official statements to Congress, the President and Office of Management and Budget; and be it further

RESOLVED that the Assistant Secretary for Indian Affairs immediately form a task force within the Eastern Region of the Bureau of Indian Affairs to consult with Tribal Nations subject to the jurisdiction of state laws under Restrictive Settlement Acts or otherwise on how best the Bureau of Indian Affairs can support public safety programs on Tribal lands; and be it further

RESOLVED that the Assistant Secretary for Indian Affairs analyze options for allowing Tribal governments to reprogram the federal funds they receive from the Bureau of Indian Affairs, including the Office of Justice Services, to go towards funding shortfalls in other Tribal

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programs in cases where the Tribal government must use its own funds to cover shortfalls in federal funding for Tribal law enforcement programs; and be it further

RESOLVED that Assistant Secretary for Indian Affairs directs the Bureau of Indian Affairs and Office of Justice Services to include Tribal law enforcement officers in the Federal Retirement Plan; and be it finally

RESOLVED that Congress fully fund its trust and treaty obligations to provide for public safety in Indian Country, including by fully funding law enforcement, detention, courts, and federal prosecution services for all Tribal Nations throughout Indian Country—including for Tribal Law Enforcement programs operated by the federal government or by Tribal Nations.

CERTIFICATION

This resolution was duly passed at the remote USET SPF Annual Meeting at which a quorum was present on October 8, 2024.



Chief Kirk E. Francis, Sr., President
United South and Eastern Tribes
Sovereignty Protection Fund



Vice Chairwoman Sarah Harris, Secretary
United South and Eastern Tribes
Sovereignty Protection Fund