

## TRIBAL PROGRAM NEWS

### TCCD Looks at Crime

by Diane Henkels

Greetings! We progress in revising the Rules of Criminal Procedure and the Criminal Code. Between that and the Public Law 280 report, we are learning a lot about crime in Indian country.

Here are some statistics from the U.S. Department of Justice, Bureau of Justice Statistics, that may interest you:

- ❖ The average annual violent crime rate among American Indians – 124 per 1,000 persons age 12 or older between 1992-1996 – is about 2 times the national rate. The average annual violent crime rate per 1,000 people age 12 or older during that period was 49 for whites and 61 for Blacks.
- ❖ The most common type of violent crime experienced by American Indian victims was simple assault (56 percent).
- ❖ The rural crime rate for American Indians (89 per 1,000) is more than double that found among rural whites (37 per 1,000) or Blacks (33 per 1,000). The urban crime rate for American Indians is more than three times that found among urban whites.
- ❖ American Indians with incomes under \$10,000 had the highest rate of violent victimization, 182 per 1,000. Blacks with incomes under \$10,000 had the next lowest rate, 71 per 1,000.
- ❖ 70 percent of jailed Indians convicted of violent crime report they had been drinking at the time of their offense.
- ❖ In other racial groups, the rate of violent crime is higher for youth than for the rest of the population. Among Indians, however, the arrest rates for those under age 18 did not vary from the overall rate.
- ❖ Among violence victims of all races, about 11 percent of intimate victims and 5 percent of family victims report the offender to have been of a different race. Among American Indian victims of violence, however, 75 percent of the intimate victims and 25 percent of the family victims involved an offender of a different race.
- ❖ Alcohol and drug use was a factor in 55 percent of violent crimes against Indians, as compared with 44 percent or 35 percent.

As we continue our work on the Public Law 280 report, we should be able to give you more crime information specific to the Siletz Tribe.

As you may recall from previous articles, Public Law 280 gives the state of Oregon jurisdiction to enforce Oregon criminal law on the Siletz Reservation. The CTSI Tribal Police may enforce state and Siletz Tribal criminal code on the reservation. Currently,

the state of Oregon enforces state criminal law, including criminal procedures and criminal offenses, on most Indian reservations in the state.

The tribe has agreements for jail services with Lincoln County, police dispatch with the city of Toledo, and law enforcement with the city of Siletz. But the Siletz Tribal Court does not have the necessary infrastructure to assert this jurisdiction. Also, the tribe's criminal laws are based on Oregon law.

The ANA Court and Code project is updating the tribe's criminal laws to make them better fit the tribe. Criminal law has two parts: criminal procedure and criminal offenses. The CTSI Rules of Criminal Procedure lay out police and courtroom procedures from the beginning of an arrest to the conclusion of a trial or an appeal. This includes the rights of the defendant, juries, punishment of guilty parties, probation, etc.

The Criminal Code identifies the offenses that constitute crimes according to CTSI. The list of offenses and classifications are based on Oregon law. Oregon law classifies crimes according to severity: Class A, B, C, and D. Class A is the most severe; Class D is the least. Even if the tribe did enforce criminal law on CTSI lands, the Indian Civil Rights Act limits Tribal Court penalties to a maximum of one year imprisonment and a fine of \$5,000, or both.

We consider these things in revising the tribe's criminal law. Project staff also consult tribal law enforcement, Tribal Court, the Cultural Committee, and program and department heads to find out what revisions would improve the tribe's criminal law.

In November, we will travel to area offices to meet with staff and tribal members to consider your input, present revisions, and answer any questions you have. We will be in Siletz on Nov. 2, Salem on Nov. 6, Eugene on Nov. 8, and Portland on Nov. 9. We look forward to visiting with you and hope that you will have input for us.

Other project news: We welcome Margo Hudson on board as a temporary assistant!

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Court and  
Code  
Development

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#### Notices

**Monthly Shopping** – Once a month from each tribal office, we will provide transportation to a shopping center that offers grocery shopping, a variety store, and hair salon. Please call the area office nearest you to participate.

**Transportation** – If you need transportation to appointments such as energy assistance, housing, Social Security, or others of this nature, call your local area office for details.

**Concert Tickets** – These are available at Chinook Winds for tribal elders. Call 1-888-244-6665 and ask for the "box office." Tell the box office you are a tribal elder and would like "comp tickets." They will ask for your name, phone number, concert you wish to attend, and the time.

You can get up to two tickets if they are available. When you pick up your tickets, you will need to sign for them. Remember, the sooner you call, the better chance you have of getting the tickets you want.

If you have any questions or need additional information, please call Marci at 541-444-8261 or 1-800-922-1399, ext. 261.

