

Muscogee (Creek) Nation

FTAP ALL-SITES MEETING (VIRTUAL)

APRIL 5-7TH, 2022

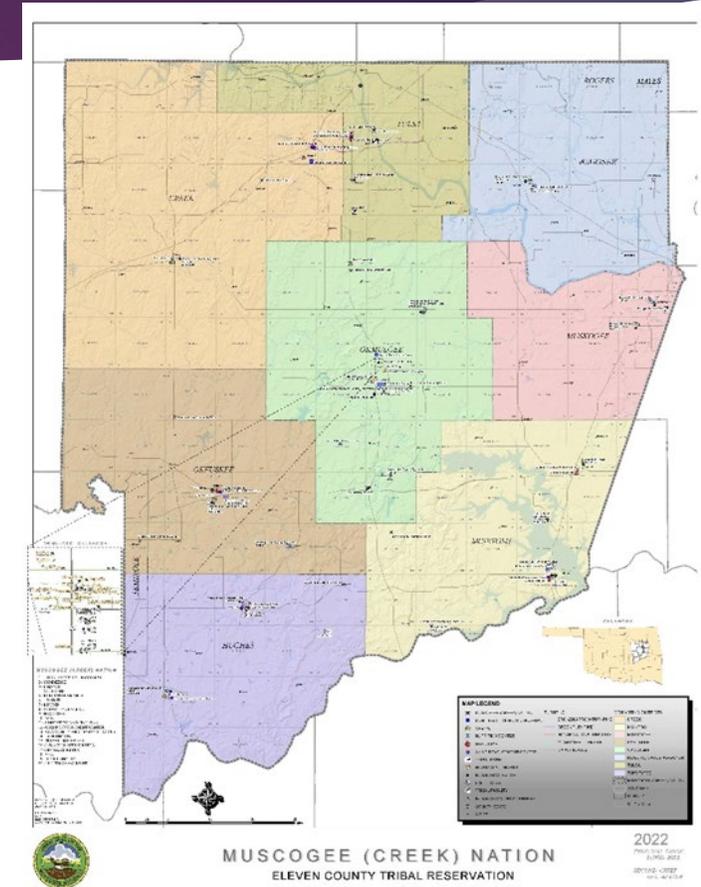


A little about the Muscogee people...

- ▶ The Muscogee (Creek) people spanned the entire region known today as the Southeastern United States.
- ▶ Constructed magnificent earthen mounds along rivers of the region as part of elaborate ceremonial complexes.
- ▶ Known as Mound builders, built expansive towns within the river valleys in the present states of Alabama, Georgia, Florida and South Carolina.
- ▶ Early 19th century, the U.S. Indian policy focused on the removal of the Muscogee and other tribes to areas beyond the Mississippi River.
- ▶ Removal treaty of 1832– Muscogee leadership exchanged the last of the cherished Muscogee ancestral homelands for new lands in Indian Territory (Oklahoma).
- ▶ For the majority of Muscogee people the process of severing ties to a land they felt so much a part of proved impossible. The U.S. Army enforced the removal of more than 20,000 Muscogee (Creeks) to Indian Territory in 1836 and 37.

Muscogee Reservation

- ▶ 94,761 citizens (as of 3/23/22)
- ▶ 4TH largest American Indian Tribe
- ▶ 65,000+ citizens reside in OK (2019 data)
- ▶ Reservation is 5,000 sq miles
- ▶ All or portions of 11 counties
- ▶ Tulsa is 2nd largest city in OK
- ▶ Tulsa = 6th city in U.S. with largest AI/AN pop.
- ▶ 3 branches of govt—Executive, Legislative
And Judicial



McGirt v. Oklahoma

- ▶ Case revolved around an appeal by an American Indian, 71-year-old Jimcy McGirt, who claimed state courts had no authority to try him for a crime committed on reservation land that belongs to the MCN.
- ▶ July 9th, 2020—U.S. SCOTUS ruled that Congress has never disestablished the Muscogee (Creek) Nation Reservation
- ▶ Land located within the borders of the Reservation constitutes “Indian Country” under 18 U.S.C. 1151(a)
- ▶ Oklahoma does not have criminal jurisdiction over Indians who commit crimes against Indians within the border of the Reservation—only the MCN and the Federal government

Justice Gorsuch in *McGirt v. Oklahoma*...

“On the far end of the Trail of Tears was a promise. Forced to leave their ancestral lands in Georgia and Alabama, the Creek Nation received assurances that their new lands in the West would be secure forever. In exchange for ceding “all their land, East of the Mississippi river,” the U. S. government agreed by treaty that “[t]he Creek country west of the Mississippi shall be solemnly guarantied to the Creek Indians.” Treaty With the Creeks, Arts. I, XIV, Mar. 24, 1832, 7 Stat. 366, 368 (1832 Treaty). Both parties settled on boundary lines for a new and “permanent home to the whole Creek nation,” located in what is now Oklahoma. Treaty With the Creeks, preamble, Feb. 14, 1833, 7 Stat. 418 (1833 Treaty). The government further promised that “[no] State or Territory [shall] ever have a right to pass laws for the government of such Indians, but they shall be allowed to govern themselves.” 1832 Treaty, Art. XIV, 7 Stat. 368.”

Post SCOTUS Ruling Impact

Cases Filed by MCN Prosecutors	1 Year Prior to Ruling 7/9/2019 to 7/8/2020	Post-Ruling 7/9/2020 to 9/30/21
Criminal Felonies	42	1,614
Criminal Misdemeanors	31	1,157
Domestic Violence Felonies	4	233
Domestic Violence Misdemeanors	6	244

VISION

- ▶ Exercising our rights as sovereign Nation to increase safety on our reservation!
- ▶ Reduced access to firearms by domestic violence offenders
- ▶ Effective, collaborative responses that prevent and reduce violence
- ▶ Comprehensive, culturally-responsive support and assistance for those who need it—whether for victims/survivors and/or the individual doing harm
- ▶ Strong, effective tribal laws
- ▶ Increased officer safety

ACCOMPLISHMENTS

- ▶ Implementation of Lethality Assessment Protocol has increased victim access to advocacy via LE referrals
- ▶ Increased training for LE re: access to advocacy, DV nurse exams
- ▶ Identification of processes, tribal codes that need strengthening/development
- ▶ Creation/implementation of voluntary surrender policy for tribal law enforcement
- ▶ Revised informational sheet attached on petition for protective order which includes space for information re: presence of firearms (awaiting judicial approval)
- ▶ Tribal court launched on-line record/case information site
- ▶ MCN currently has 65 cross-deputization agreements with tribal and non-tribal law enforcement departments to increase safety on rez

Most Hopeful for...

- ▶ Reduced violence on the reservation
- ▶ Strong, effective tribal codes
- ▶ Clear processes for removing and securing firearms
- ▶ Enhancement of collaborative partnerships
- ▶ Specialized domestic violence court
- ▶ Increased monitoring of offenders

Supports

- ▶ Tribal citizens
- ▶ Tribal leadership—Executive, Legislative and Judicial branches
- ▶ Partners—advocacy, law enforcement, prosecutors, court staff—both tribal and non-tribal
- ▶ Partnerships with federal authorities
- ▶ Funding

Current Status

- ▶ Entire justice system working to build/increase capacity—staffing, processes, training, database systems, etc.
- ▶ Recent confirmation of Chief Judge, new special judges & Attorney General
- ▶ Victim services, tribal law enforcement, prosecutors are working to prioritize monthly high-risk team meetings to staff high lethality cases
 - ▶ Meeting regularly via phone/email to staff cases/get case updates
- ▶ MCN currently holding first jury docket since 2019
- ▶ Implementation of new grants—SDVCJ, Targeted Grants to 5 Tribes

Challenges

- ▶ Pandemic
- ▶ High volume of cases across the reservation
- ▶ Increasing collaborative efforts with federal authorities
- ▶ Political attacks on tribal sovereignty
- ▶ Lack of collaboration from non-tribal law enforcement agencies/jeopardizing victim safety
- ▶ On-going work to develop/implement effective policies and procedures in various department

Survivors

- ▶ MCN victim services—current staff of 17 and increasing
- ▶ Working with victims/survivors daily to provide support, assistance
 - ▶ Re: Tribal/federal court cases
 - ▶ Increase in DV Nurse exams
- ▶ Working to implement community assessment to gain feedback from victims/survivors

Collaborations with Culturally-Specific Organizations

- ▶ Correspondence with National Indigenous Women's Resource Center—will likely increase as project continues

Community Engagement/Outreach

- ▶ Pandemic impacted community engagement—had to be more creative and utilize social media and other media resources
- ▶ Plans for community assessment to gain feedback from victims/survivors, community members who have interacted with justice system
- ▶ Planning for increased community outreach is underway, especially with low-risk pandemic status

Next Steps

- ▶ Status of FTAP project application
- ▶ Re-orient all new justice system staff to FTAP

Something Unexpected

- ▶ Number of crimes occurring reservation that include Native victim and/or offender

MVTO (Thank you)!

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