

Why some tribal governments are more likely to partner with state and local law enforcement than others.

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9/5/2016

*In many respects, Indian lands in the US can be considered to be a country within a country. With many tribal governments having their own law enforcement agencies there is a risk of jurisdictional conflict with agencies outside of Indian Country. **Thaddieus W. Conner** and **Stephanie L. Witt** take a close look at cross-deputization agreements between law enforcement agencies which allow officers from tribal, state, and local agencies to actively respond to issues regardless of jurisdictional boundaries. They find that the major determinants of such cooperation are the presence of Indian gaming, higher rates of violent crime, as well as organizational resources and capacity.*

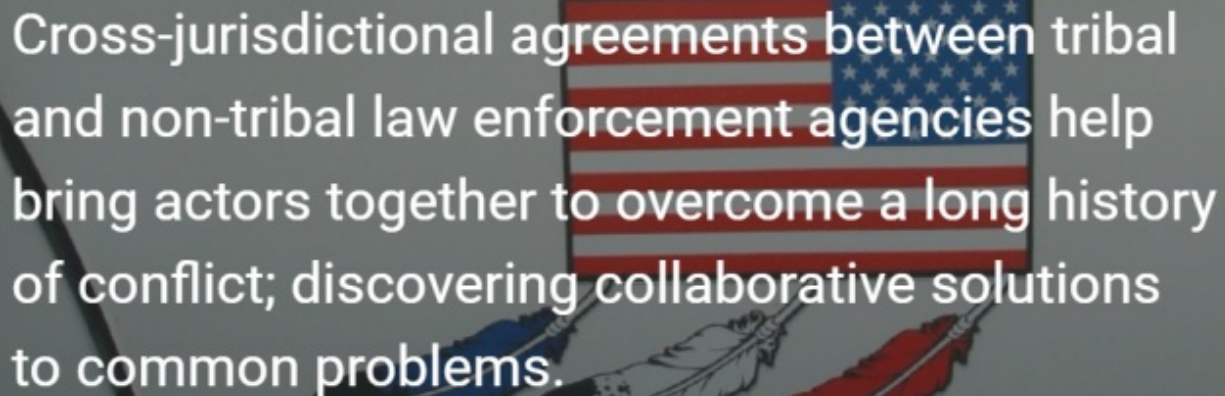


There are more than 300 federally recognized Native American tribal governments in the contiguous United States today, with jurisdiction over about 1 million people. These tribal governments often have their own courts and law enforcement; more than half of all tribal governments which have law enforcement agencies have [entered](#) into cross-deputization agreements with neighboring non-tribal governments to administer justice more efficiently and effectively across jurisdictions. Cross-deputization agreements allow law enforcement officers from tribal, state, and/or local law enforcement agencies to actively respond to issues regardless of jurisdictional boundaries. Without such agreements, determining who has jurisdiction in Indian Country is fraught with complexity due in large part to the sovereign rights of tribes that predate the US Constitution and the “discovery” of the Americas.



Cross-jurisdictional agreements between tribal and non-tribal law enforcement agencies help bring actors together to overcome a long history of conflict; discovering collaborative solutions to common problems. However, few studies have explored what drives cooperation between tribal and non-tribal officials in the US, with tribal governments becoming an increasingly active player in the intergovernmental relations framework. We attempt to fill this void by examining how capacity, problem severity, and economic development helps explain the adoption of cross-jurisdictional agreements between tribal, state, and local law enforcement agencies using [data](#) provided by the Bureau of Justice Statistics.

One major determinant of cross-jurisdictional cooperation between tribes and local governments in the area of law enforcement is the presence of Indian gaming. Since the signing of the Indian Gaming Regulatory Act in 1988, more than 200 tribal governments have adopted Class III “Las Vegas style” gaming that includes high stakes table games such as poker and blackjack as well as electronic slot machines. Both positive and negative impacts are [associated with gaming](#) including increases in income and employment on tribal land in the case of the former, and perceived increases in crime and addiction in the case of the latter. The dramatic increase in tourism and visitors to many Native nations requires an increased presence of tribal law enforcement to help maintain law and order. As a result, we find a higher likelihood of cooperation between tribal and neighboring non-tribal governments in the presence of Class III casinos. Given that the challenges associated with an increase in patrons to Native communities often transcend a single jurisdiction, collaboration between tribal and non-tribal law enforcement personnel would appear to provide a window of opportunity for intergovernmental cooperation that might not materialize under other conditions.

A graphic with a dark grey background. At the top, there is a stylized American flag with red and white stripes and a blue field with white stars. Below the flag are three feathers: a blue one on the left, a white one in the middle, and a red one on the right. A black diagonal line runs from the top left towards the bottom left. The text is overlaid on this graphic.

Cross-jurisdictional agreements between tribal and non-tribal law enforcement agencies help bring actors together to overcome a long history of conflict; discovering collaborative solutions to common problems.

- Thaddieus W. Conner and Stephanie L. Witt

Another central determinant of intergovernmental partnerships between tribal and non-tribal law enforcement agencies is the presence of organizational resources and capacity. Non-tribal jurisdictions with diminished capacity in the way of insufficient numbers of personnel and lower spending on law enforcement per capita are more likely to enter into a cooperative agreement with tribal law enforcement in the immediate area than states and counties with greater organizational capacity. This reflects a very strategic decision on the part of state and local actors who may lack the capital necessary to accomplish specific tasks and are willing to share jurisdiction in order to more effectively achieve their goals. Conversely, we find that tribes with cross-deputization agreements with neighboring local law enforcement tend to be much better off socioeconomically than tribes without agreements. Deputized tribes would thus appear to be providing an important service to surrounding non-Indian communities that may need assistance.

Finally, problem severity also plays a role in determining the extent to which actors will seek out other agencies in the external environment to work together. Collaboration often surrounds what are referred to as “wicked problems,” or problems that lack easy solutions, which often defy the ability of a single organization to address alone. In such policy areas, collaboration is much more likely as single actors scan the external environment for help in solving seemingly intractable problems. We find this to be the case in explaining tribal-local law enforcement partnerships where there is a higher likelihood of adopting cross-deputization agreements in states and counties with high rates of violent crime. This relationship is significant even when controlling for the size and capacity of the law enforcement agencies in the state. As a result, problem severity appears to be an important catalyst in facilitating intergovernmental partnerships between tribes and non-tribal actors in the United States.

Our work provides an important glimpse into what drives cooperation in Indian Country, but more is needed to fully understand how these factors influence cross-jurisdictional partnerships in other policy areas involving tribal governments including health policy, economic development, environmental regulation, and even education. Such partnerships can help overcome a history of conflict between Native nations and state governments that have served as barriers to progress in finding joint solutions to common problems.

*This article is based on the paper, ‘[The Role of Capacity and Problem Severity in Adopting Voluntary Intergovernmental Partnerships: The Case of Tribes, States, and Local Governments](#)’, in *State and Local Government Review*.*

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