

ICPSR 34557

Law Enforcement and Criminal Justice Under Public Law 280, 2003-2005 [United States]

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User Guide





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Bibliographic Description

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Title: Law Enforcement and Criminal Justice Under Public Law 280, 2003-2005

[United States]

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Scope of Study

Summary:

In 1953, Congress enacted Public Law 280, transferring federal criminal jurisdiction in Indian country to the state government in six states, allowing other states to join in at a later date. This study was designed to gain a better understanding of law enforcement under Public Law 280. Specifically, amid federal concerns about rising crime rates in Indian country and rising victimization rates among Indians, the National Institute of Justice funded this study to advance understanding of this law and its impact, from the point of view of tribal members as well as state and local officials.

The research team gathered data from 17 confidential reservation sites, which were selected to ensure a range of features such as region and whether the communities were in Public Law 280 jurisdictions under mandatory, optional, excluded, straggler, or retroceded status. Confidential interviews were conducted with a total of 354 reservation residents, law enforcement officials, and criminal justice personnel. To

residents, law enforcement officials, and criminal justice personnel. To assess the quality or effectiveness of law enforcement and criminal justice systems under Public Law 280, the research team collected quantitative data pertaining to the responsiveness, availability, quality,

and sensitivity of law enforcement, and personal knowledge of Public Law 280.

Subject Term(s): crime, crime rates, crime reporting, criminal justice policy, cultural

attitudes, law enforcement, legislative impact, Native Americans

Smallest Geographic Unit: None.

Geographic Coverage: United States

Time Period: • 2003 - 2005

Date(s) of Collection: • 2003 - 2005

Unit of Observation: individual

Universe: All reservation residents, law enforcement personnel, and criminal justice

personnel living in or working with Native American reservations in the

United States between 2003 and 2005.

Data Type: survey data

Data Collection Notes: The interviews with reservation residents, law enforcement personnel,

and criminal justice personnel were comprised of both a qualitative and quantitative component. Only quantitative interview data are available

as part of this data collection at this time.

The project's report (Goldberg and Singleton, 2007; NCJ 222585)

references law enforcement and criminal justice funding data, which are

not available as part of this data collection at this time.

Methodology

Purpose of the Study:

The purpose of this study was to advance understanding of Public Law 280 and its impact, from the point of view of tribal members as well as state and local officials. This study aimed to answer five questions:

- How do crime rates on reservations affected by Public Law 280 compare with crime rates on other reservations and elsewhere within Public Law 280 states?
- 2. Is law enforcement more or less available or well funded for tribes affected by Public Law 280 as compared with non-Public Law 280 tribes, and elsewhere in Public Law 280 states?

- 3. What is the quality of state law enforcement and criminal justice under Public Law 280 in terms of cultural awareness and sensitivity, fairness of treatment, responsiveness to community priorities, thoroughness of investigations, etc., as compared with law enforcement and criminal justice in non-Public Law 280 jurisdictions?
- 4. Does the presence of state law enforcement inhibit or impair tribal legal development?
- 5. How effective have cooperative agreements, concurrent jurisdiction, and retrocession efforts been to alleviate any problems that may be associated with Public Law 280?

Study Design:

Interviews were conducted at 17 different reservation sites over 2 years. A team of 3 researchers visited each of the sites for one week each, meeting with and interviewing a total of 354 individuals, including 227 reservation residents, 49 law enforcement personnel, and 78 criminal justice personnel. Reservation residents are people who lived on the reservation or worked for the tribal government, and generally have some connection to tribal government and/or criminal justice issues. Law enforcement personnel are people who worked for state/county or federal-Bureau of Indian Affairs (BIA) police departments, or tribal police in non-Public Law 280 jurisdictions. Criminal justice personnel are people who worked for federal-BIA, county, or non-Public Law 280 tribal courts.

The interviews lasted from one to three hours. Each of the interviewees was provided with and signed a consent form. The interview instruments for each category of interviewee were similar and designed to facilitate comparisons. The research team made slight changes to adapt the instruments for the reservation residents, the state or federal law enforcement personnel, and the state or federal criminal justice personnel.

Sample:

The research team selected tribes for this study in order to obtain as much comparable tribal data as possible from Public Law 280 and non-Public Law 280 tribes. At the same time, the research team chose tribes from a variety of Public Law 280 and non-Public Law 280 situations so they could assess whether experiences differ as a result of those different circumstances. The constants in selecting tribes for the study were:

- a substantial and consistent size in acreage and population of reservation
- 2. reservation covering one county (when possible) for consistency of data
- 3. a written commitment to participate in the research and to abide by requirements for the protection of human subjects

The research team selected 17 tribes to participate in the study. Of the 17 sample communities, 12 were subject to state/county jurisdiction

under Public Law 280, four were operating under the more typical federal/tribal criminal jurisdiction regime, and one was a "straddler" with some territory in a state covered by Public Law 280 and the remainder in a different state. The cases were selected and matched to ensure comparisons and inclusion of each of the different types of Public Law 280 conditions. Non-Public Law 280 comparison communities were selected as retroceded communities, stragglers, or never were under Public Law 280 jurisdiction.

In order to test for variables the research team hypothesized might be important, such as degree of tribal control and availability of resources to support law enforcement and criminal justice, they deliberately included some Public Law 280 tribes that have tribal courts, cooperative agreements, and/or successful economic development enterprises.

Three target groups of interviewees were identified:

- reservation residents and tribal officials
- state, local, and federal law enforcement officers
- · state, local, and federal criminal justice officials

The reservation residents included the chief of tribal police or public safety (where there was one), the chief judge (where there was one), the tribal chair or other council members, tribal administrators or managers, and elders. Law enforcement officers invariably included the head of law enforcement for the state or federal government or that person's chief deputy, as well as other officers. Criminal justice officials included prosecutors, public defenders, and judicial officers at each site, as well as probation or parole officers.

Additional interviewees were identified through the "snowballing" technique, in which an interviewee identifies others relevant to the study.

The final sample of 354 interviewees included 227 reservation residents, 49 law enforcement personnel, and 78 criminal justice personnel.

Weight: None.

Sources of Information: Interviews with reservation residents, law enforcement personnel, and

criminal justice personnel.

Mode of Data Collection: face-to-face interview

Description of Variables: The dataset contains 56 variables pertaining to knowledge of Public Law

280, cultural awareness and sensitivity, communication with community members, fairness of treatment, thoroughness of investigations, community willingness to report crimes to police, and responsiveness to community priorities. It includes variables concerning occurences of

homicide, rape, robbery, aggrivated assault, domestic violence, burglary, larceny, theft, vehicle theft, arson, DUI, drug offenses, and child abuse, as well as the perception of priority each respondent believes law enforcement assigns to each crime. These two factors are used to calculate a third variable for each offense regarding the difference between crime occurrence and priority. Demographic variables include gender, respondent type, site, and Public Law 280 status.

Response Rates: Not available.

Presence of Common

Extent of Processing:

Several Likert-type scales were used.

Scales:

Standardized missing values.

Checked for undocumented or out-of-range codes.

Access and Availability

Note: A list of the data formats available for this study can be found in the

<u>summary of holdings</u>. Detailed file-level information (such as record length, case count, and variable count) is listed in the file manifest.

Restrictions: To protect respondent privacy, certain identifying information is restricted

from general dissemination. Users interested in obtaining these data must complete a Restricted Data Use Agreement form and specify the reasons for the request. A copy of the Restricted Data Use Agreement form can be requested by calling 800-999-0960. Researchers can also download this form as a Portable Document Format (PDF) file from the download page associated with this dataset. Completed forms should be returned to: Director, National Archive of Criminal Justice Data, Inter-university Consortium for Political and Social Research, Institute for Social Research, P.O. Box 1248, University of Michigan, Ann Arbor,

MI 48106-1248, or by fax: 734-647-8200.

Original ICPSR Release: 2013

Dataset(s): • DS1: Law Enforcement and Criminal Justice Under Public Law 280,

2003-2005 [United States]

Publications

Final Reports and Other Publication Resources:

A list of publications related to, or based on, this data collection can be accessed from the study's download page on the NACJD Web site or through the ICPSR Bibliography of Data-Related Literature at

http://www.icpsr.umich.edu/ICPSR/citations/index.html. The list of citations

includes links to abstracts and publications in Portable Document Format (PDF) files or text files when available.

Final reports and other publications describing research conducted on a variety of criminal justice topics are available from the National Criminal Justice Reference Service (NCJRS). NCJRS was established in 1972 by the National Institute of Justice (NIJ), an agency of the U.S. Department of Justice, to provide research findings to criminal justice professionals and researchers. NCJRS operates specialized clearinghouses that are staffed by information specialists who supply a range of reference, referral, and distribution services. Publications can be obtained from NCJRS at NIJ/NCJRS, Box 6000, Rockville, MD, 20849-6000, 800-851-3420 or 301-519-5500. TTY Service for the Hearing Impaired is 877-712-9279 (toll-free) or 301-947-8374 (local). The URL for the NCJRS Web site is:

http://www.ncjrs.gov/

NIJ Data Resources Program

About the DRP:

The National Institute of Justice Data Resources Program (DRP) makes datasets from NIJ-funded research and evaluation projects available to the research community and sponsors research and training activities devoted to secondary data analysis. Datasets are archived by the National Archive of Criminal Justice Data (NACJD) at the Inter-university Consortium for Political and Social Research (ICPSR) at the University of Michigan.

The NACJD maintains a World Wide Web site with instructions for transferring files and sending messages. Criminal justice data funded by the Department of Justice are available via the Internet at this site at no charge to the user. NACJD may be contacted at NACJD/ICPSR, P.O. Box 1248, Ann Arbor, MI, 48106-1248, 800-999-0960. The URL for the NACJD Web site is:

http://www.icpsr.umich.edu/NACJD/

Data Completeness Report

Notes: (1) Variables are individually listed only if they have greater than 5% missing data. These variables are listed under the appropriate percentage category in the order in which they appear in the data file. (2) The Data Completeness Report only captures information about system missing or other values that are declared missing. Codes that have a label implying that they are missing but that are not declared missing values are not reflected in this report. Data users should consult the codebook for more specific information about missing values. (3) Some variables that have 100% missing data may have been blanked by ICPSR to protect respondent confidentiality. Data users should consult the codebook for more specific information about blanked variables. (4) Data do not contain skip patterns or skip patterns are not reflected in the data as coded.

Table 1: Distribution of Variables by Percentage of Missing Values

Variable Name and Label (Total Cases = 354)		Percent of Cases with Missing Values
10.7% (6 of 56 variables)	have 0% Missing Values	
1.8% (1 of 56 variables)	have 0% - 1% Missing Values	
7.1% (4 of 56 variables)	have 1% - 3% Missing Values	
0.0% (0 of 56 variables)	have 3% - 5% Missing Values	
0.0% (0 of 56 variables)	have 5% - 10% Missing Values	
55.4% (31 of 56 variables)	have 10% - 20% Missing Values	
FRQHOM	HOMICIDE OCCURRENCE	10.2%
FRQRAP	RAPE OCCURRENCE	10.2%
FRQROB	ROBBERY OCCURRENCE	10.2%
FRQAGG	AGGRAVATED ASSAULT OCCURRENCE	10.2%
FRQDOM	DOMESTIC VIOLENCE OCCURRENCE	10.2%
FRQBUR	BURGLARY OCCURRENCE	10.2%
FRQLAR	LARCENY, THEFT OCCURRENCE	10.2%
FRQAUT	AUTO THEFT OCCURRENCE	10.2%
FRQARS	ARSON OCCURRENCE	10.2%
FRQDRV	DUI OCCURRENCE	10.2%
FRQDRG	DRUG OFFENSES OCCURRENCE	17.2%
PRIHOM	HOMICIDE PRIORITY	15.8%
PRIRAP	RAPE PRIORITY	15.8%
PRIROB	ROBBERY PRIORITY	15.8%
PRIAGG	AGGRAVATED ASSAULT PRIORITY	15.8%
PRIDOM	DOMESTIC VIOLENCE PRIORITY	15.8%
PRIBUR	BURGLARY PRIORITY	15.8%
PRILAR	LARCENY, THEFT PRIORITY	15.8%
PRIAUT	AUTO THEFT PRIORITY	15.8%
PRIARS	ARSON PRIORITY	15.8%
PRIDRV	DUI PRIORITY	15.8%
DIFHOM	HOMICIDE PRIORITY MINUS OCCURRENCE	16.4%
DIFRAP	RAPE PRIORITY MINUS OCCURRENCE	16.4%
DIFROB	ROBBERY PRIORITY MINUS OCCURRENCE	16.4%

Table 1: Distribution of Variables by Percentage of Missing Values

Variable Name and Label (Total Cases = 354)	Percent of Cas Missing	ses with Values
DIFAGG	AGGRAVATED ASSAULT PRIORITY MINUS OCCURRENCE	16.4%
DIFDOM	DOMESTIC VIOLENCE PRIORITY MINUS OCCURRENCE	16.4%
DIFBUR	BURGLARY PRIORITY MINUS OCCURRENCE	16.4%
DIFLAR	LARCENY, THEFT PRIORITY MINUS OCCURRENCE	16.4%
DIFAUT	AUTO THEFT PRIORITY MINUS OCCURRENCE	16.4%
DIFARS	ARSON PRIORITY MINUS OCCURRENCE	16.4%
DIFDRV	DUI PRIORITY MINUS OCCURRENCE	16.4%
17.9% (10 of 56 variables)	have 20% - 40% Missing Values	
Q1	AVAILABILITY OF LAW ENFORCEMENT	36.2%
Q4	YOUR SATISFACTION WITH LAW ENFORCEMENT IN YOUR COMMUNITY	36.4%
Q6	YOUR KNOWLEDGE ABOUT PL 280	29.4%
Q8	UNDERSTANDING OF PL 280 & LIMITS OF STATE JURISDICTION BY LAW ENFORCEMENT (LEGAL PERSONNEL)	32.8%
Q11	RESPECT FOR YOUR COMMUNITY'S CULTURE BY LOCAL LAW ENFORCEMENT	36.4%
FRQCAB	CHILD ABUSE OCCURRENCE	24.9%
PRIDRG	DRUG OFFENSES PRIORITY	22.9%
PRICAB	CHILD ABUSE PRIORITY	30.2%
DIFDRG	DRUG OFFENSES PRIORITY MINUS OCCURRENCE	23.7%
DIFCAB	CHILD ABUSE PRIORITY MINUS OCCURRENCE	30.5%
7.1% (4 of 56 variables)	have 40% - 99% Missing Values	
Q3	EFFECTIVENESS OF LAW ENFORCEMENT ON COUNTY RESERVATIONS	86.2%
Q5	SATISFACTION OF INDIAN PEOPLE WITH COURT AND LEGAL SERVICES IN THEIR COMMUNITY	79.1%
Q10	RESPECT FOR LAW ENFORCEMENT BY TRIBAL MEMBERS	65.0%
Q13	HOW POSITIVE RESERVATION COMMUNITIES YOU SERVE VIEW LAW ENFORCEMENT (LEGAL SERVICES)	65.5%
0.0% (0 of 56 variables)	have 100% missing values	