

# BADGES for Native Communities Act

## (Bridging Agency Data Gaps & Ensuring Safety for Native Communities Act)

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**Indian Country Law Enforcement Data.** Collecting and sharing criminal justice data in Indian Country is a well-known barrier to ensuring public safety for many Native communities. Congress has attempted to increase interagency coordination between federal, state, Tribal, and local law enforcement agencies (LEAs) over the past several decades, but criminal case information is still largely fragmented and compartmentalized between different LEA data systems.

- **Federal Database Coordination.** The Department of Justice (DOJ) operates two databases that track missing person cases – the FBI’s National Crime Information Center (NCIC) database for law enforcement and the National Institute of Justice’s (NIJ’s) National Missing and Unidentified Persons System (NamUs), a publicly accessible data clearinghouse. These two databases do not share information with each other and, for cases of missing adults, federal, state, Tribal participation in these two reporting systems is optional. As a result, LEAs may be unable to access other LEAs’ missing person case information.
- **Tribal Access to Federal Databases.** Congress authorized Tribal access to the FBI’s NCIC with passage of the *Tribal Law and Order Act* in 2010, but Tribes were unable to access NCIC until DOJ launched a pilot initiative – the Tribal Access Program (TAP) – in 2015. To date, TAP serves 47 Tribes, and many are on the TAP waiting list.

**Law Enforcement in Indian Country.** Officers working for Bureau of Indian Affairs (BIA) Office of Justice Services (OJS), the DOJ, and Tribes are responsible for policing more than 200 reservations covering 56 million acres of land. However, Indian Country’s police staffing is insufficient to meet national police coverage standards. In FY2010, Tribes had only 1.9 officers per 1,000 residents compared to an average of 3.5 officers per 1,000 residents nationwide. Upon reviewing this data, the Indian Law and Order Commission estimated that Indian Country had a 50% staffing shortfall for law enforcement personnel.

**Need for Legislation.** Legislation is needed to address statutory barriers and codify Tribal and Administrative initiatives that are currently improving the efficiency of LEA data sharing and officer recruitment and retention.

**Statutory Barriers.** Current federal law disallows certain actions that would increase the efficiency of federal criminal database coordination and Indian Country officer recruitment. For example, DOJ cannot link NCIC and NamUs without statutory authorization.

**Codifying Existing Initiatives.** Tribes would like to ensure continuation of existing Administrative initiatives (e.g., DOJ’s TAP pilot) and/or practices (e.g. BIA’s directive requiring direct-service LEAs to input cases into NamUs) by codifying them in law.

**Proposed Legislation.** This bill addresses critical public safety needs in Indian Country by:

### 1. Title I— *Bridging Agency Data Gaps.*

- Addresses inefficiencies in federal criminal databases;
- Increases Tribal access to federal criminal databases; and
- Improves public data on missing and murdered Indigenous women cases and Indian Country law enforcement staffing levels.

### 2. Title II— *Ensuring Safety for Native Communities.*

- Promotes more efficient recruitment and retention of BIA law enforcement;
- Provides Tribes with resources to improve public safety coordination between their governments, States, and federal agencies; and
- Mitigates against federal law enforcement personnel mishandling evidence crucial to securing conviction of violent offenders.