

**The  
National Tribal  
Judicial Center**

**at**

**The National  
Judicial College**



**Survey of Law  
Enforcement on  
Native American  
Reservations**

**Report Compiled by  
Katie M. Snider, M.A.  
May 26, 2021**

**This survey was conducted as a  
supplemental needs assessment for the  
National Judicial College under a funding  
agreement with the Federal Motor Carrier  
Safety Administration**

**Internal Reference: FMCSA #7**

**Funding Opportunity Number:  
FM-CDL-18**

**Opportunity Package ID: PKG-00239364**

**Disclaimer:**

This material is based upon work supported by the Federal Motor Carrier Safety Administration (FMCSA) under Grant No. FM-CDL-0322-18-01-00. The FMCSA is a component of the United States Department of Transportation. Any opinions, findings, and conclusions, or recommendations expressed in this publication are those of the authors, and they do not necessarily reflect the view of the FMCSA and/or the U.S. Department of Transportation.

## Table of Contents

Need for Analysis .....	2
Prior Work .....	2
Need For More Information.....	3
Methods.....	4
Materials .....	4
Distribution .....	4
Results.....	5
Respondents .....	5
Department Information.....	5
Figure 1. Presence of Commercial Enterprise .....	6
Prevalence of Commercial Traffic.....	6
Figure 2. Presence of Civil Enterprise.....	7
Officer Experience .....	7
Figure 3. Frequency of Traffic Stops Including CMV/CDL.....	8
Table 1. Challenges for Tribal Law Enforcement .....	8
Table 2. Strategies for Tribal Law Enforcement .....	9
Figure 4. Space Provided on Forms to Indicate CDL/CMV .....	9
Jurisdiction.....	10
Table 3. Traffic Codes and CMV Training .....	10
Figure 5. Sanctions for Non-Indian Drivers .....	11
Coordination with Other Agencies .....	11
Figure 6. Response Time from Coordinating Agencies .....	12
Discussion.....	12
References.....	14
Appendix.....	15

## **Need for Analysis**

The National Judicial College (NJC) is a leading institution in judicial education. They have a well-established partnership with the Federal Motor Carrier Safety Administration (FMCSA) to educate judges about laws and regulations pertaining to commercial motor vehicles (CMVs) and drivers with a commercial driver license (CDL). In 2018, NJC received a grant from FMCSA to adapt this curriculum to reach tribal court judges. In the grant plan, NJC addressed the need for further knowledge about the applicability of this material, and the desire for knowledge on this subject, for a tribal audience.

## **Prior Work**

In 2019, I conducted a series of focus groups with tribal court judges who were enrolled in other NTJC courses (Snider, 2019). Overall, I conducted interviews with approximately 25 geographically diverse judges. Judges in this study lacked specific knowledge of the regulations around CDL and CMV issues. Judges also expressed opinions about several specific barriers they felt would prevent them from pursuing these commercial driving cases including jurisdiction, the lack of a tribal code addressing these types of violations, and concerns about sharing their conviction data with state authorities. Several judges in this study also mentioned that they did not believe that commercial driving violations were problematic within their jurisdiction, even when they acknowledged having a lot of local and through-traffic from commercial motor vehicles.

In the same year, NJC also commissioned a needs assessment survey from the Whitener Group (Summers, 2019), to understand what tribal court judges know and want to know about commercial motor vehicle and driving law. The study included a total of 88 respondents who worked in tribal courts, including 58 judges, 7 court clerks, 8 court administrators, 3 attorneys,

and several others (e.g., council members, treatment providers, probation officers, etc.). The results of this study found that few tribal codes specifically address CDL or CMVs, that most respondents do not adjudicate CDL violations, and that most respondents (62%) **do not have a clear understanding of when, how and to whom they are supposed to report CDL violations.** Notably, 20% of the sample (n = 88) reported that they do address CDL violations in their courts, while only 12% had a clear understanding regarding reporting. One respondent in this survey mentioned that non-tribal defendants are typically happy to be adjudicated in their court, because they do not report traffic violations to the state.

### **Need For More Information**

Both the focus group study and the needs assessment survey focused on judges and court personnel. Yet results from both studies indicated a clear need for more information from law enforcement. Importantly, only 20% of respondents in the needs assessment study indicated that their officer's traffic citations include a spot to designate a CDL, while 36% said the citation forms do not contain such a designation, and 44% were unsure. Fewer respondents in the needs assessment (21%) stated that officers in their jurisdiction were trained to identify CMV regulations, while 11% said they were not, and 68% were unsure.

From these data, we identified the experience of police officers as a significant gap in our understanding. Policing on reservations can follow different models: some Native American nations rely on state law enforcement, while others employ their own law enforcement agency. In other cases, the Bureau of Indian Affairs (BIA) provides law enforcement, often serving multiple nations through a single agency office. Where tribal police provide law enforcement services, officers might also be cross deputized other state or local law enforcement agencies, empowering them to act on behalf of the appropriate agency for a given situation.

## **Methods**

The NTJC developed a tribal law enforcement survey to learn more about the experience of law enforcement who work on reservations. We delayed distribution of the survey due to concerns about the willingness of police to participate in a research survey in the wake of George Floyd's killing, and national anti-police protests. We launched the survey in January 2021.

## **Materials**

The survey was hosted on Qualtrics, to enable participation from across the United States, and included questions about general location and department size. Out of respect for the privacy concerns that were previously expressed by our judicial and court personnel respondents, we did not ask officers to identify their agency or nation, or to provide personal demographic information. The full survey is provided in Appendix A.

The topics covered in the survey include jurisdiction, recognition of authority, data access, prevalence of commercial and civil enterprises known to generate commercial traffic, and the officer's personal experience with regard to traffic stops and CDLs or CMVs. The survey also included specific questions about citation forms and accident reporting forms. The full survey is available in the Appendix.

## **Distribution**

We used multiple methods for survey recruitment, including social media, direct emailing, and snowball sampling. We disseminated the survey invitation across NJC's social media accounts, and several staff members and followers shared the invitation through their own personal accounts as well. Additionally, we disseminated the survey directly through a compiled list of 186 publicly available email addresses for law enforcement personnel, including both individual and agency email accounts, as available. Finally, we reached out to network contacts

with several traffic enforcement agencies who had potential connections with tribal law enforcement and requested assistance in disseminating the survey link through their email lists.

## **Results**

We continued dissemination efforts over the course of four months. However, only twelve people responded to the survey invitation. Low participation could be attributed to the ongoing tensions between police and the general public, as well as a lack of participation incentives offered for the survey. Future research efforts would benefit from stronger recruitment efforts, including the use of research panels and telephone interviews.

## **Respondents**

Most of the respondents (n = 4) were from the Western region of the U.S., comprised of California, Nevada, Utah, Arizona, and Colorado. Two officers responded from the Northwest region, two responded from the East Central region, and two responded from the Midwest. One respondent was from the Northeast region.

## **Department Information**

Most of the respondents (n = 10) indicated that their department employed fewer than 25 officers. One respondent indicated that their department employed between 26 and 50 officers, and one indicated that their department employed more than one hundred (100) officers. All the respondents indicated that the officers in their department were deputized by tribal authority, but several also indicated additional deputizations including through their local county (3), city/town (3), and state (4), and through federal (7) authority.

Five (5) respondents indicated that there were adjacent jurisdictions which *do not recognize* their authority, and six (6) indicated that there were adjacent jurisdictions in which their authority was *challenged*. Eight (8) respondents indicated that their department has access

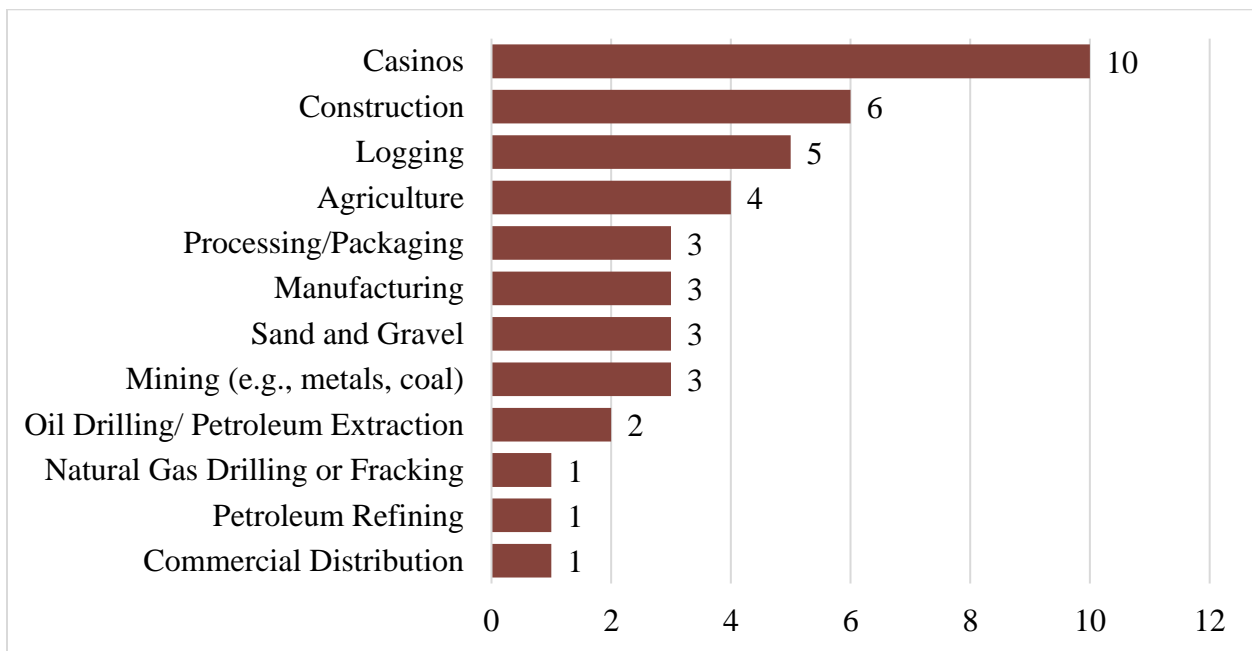
to the National Law Enforcement Telecommunications System (NLETS), while other database systems were less common. One (1) respondent indicated that their department did not have access to any data sharing systems.

Respondents offered comments at the end of the department information section. Two (2) specifically mentioned the question of database access:

- “Our department does have access to LEIN through an agreement with the state.”
- “Our access to NLETS is through a contracted dispatch center.”

One respondent mentioned that there are “too many silos,” which echoed sentiments that judges mentioned in prior studies (e.g., Snider, 2019).

**Figure 1. Presence of Commercial Enterprise**

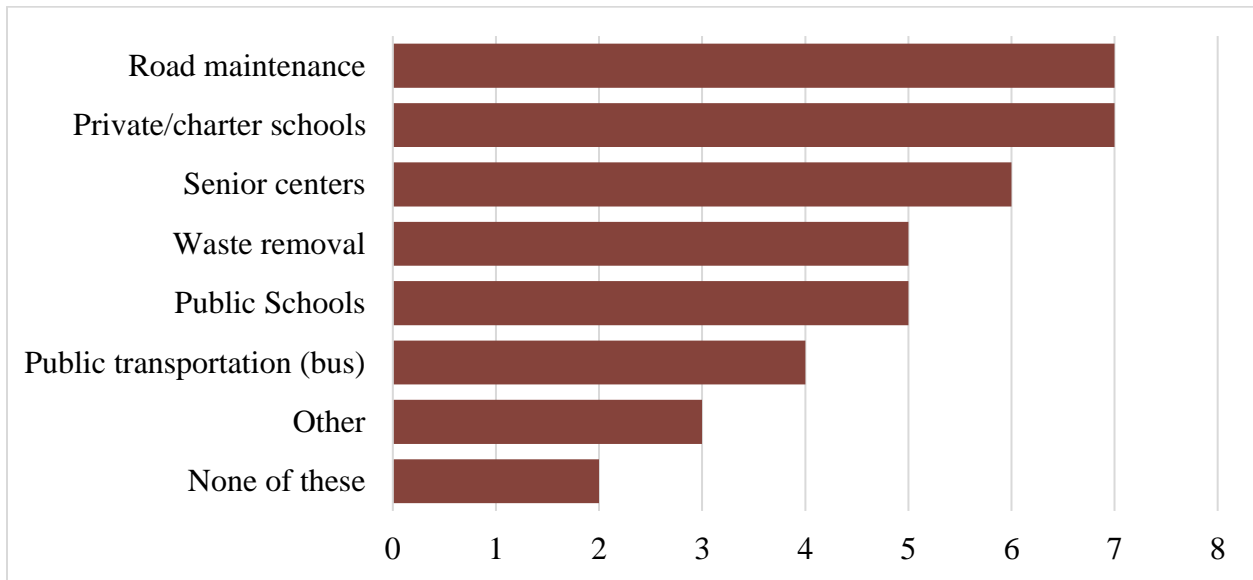


### **Prevalence of Commercial Traffic**

Most of the respondents indicated the presence of commercial traffic on their reservation and most (10) indicated that commercial traffic is “very common” within their jurisdiction. Only one (1) respondent indicated that their reservation has no commercial enterprises that bring commercial traffic (Fig. 1). Additionally, most of the respondents indicated the presence of civil

enterprises on their reservations, which could involve commercial traffic. Only two (2) respondents indicated that they do not have any of the identified civil enterprises present on their reservation (*Fig. 2*).

**Figure 2. Presence of Civil Enterprise**

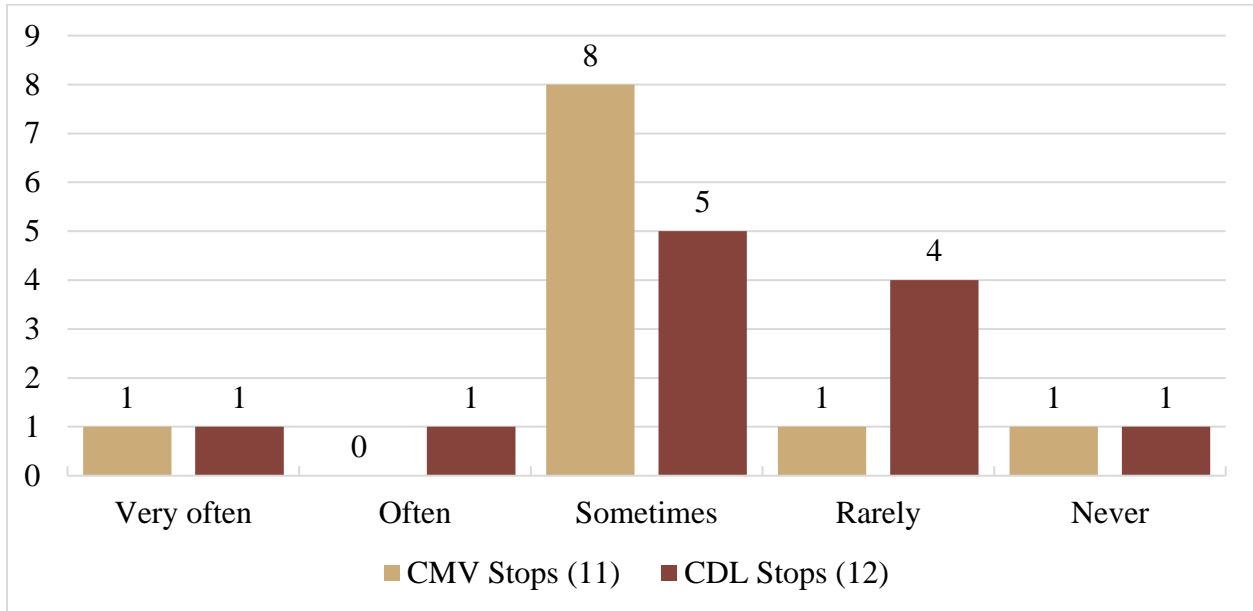


### **Officer Experience**

Of the twelve respondents, eleven (11) indicated that they conduct traffic stops within their jurisdiction, and ten (10) respondents indicated that they respond to motor vehicle accidents within their jurisdiction. Eleven (11) respondents answered a question about how often they conduct traffic stops involving commercial motor vehicles. Most respondents (8) indicated that they conduct traffic stops involving a CMV “sometimes.” However, officers reported a higher frequency of stops involving CMVs than stops involving CDLs. This is surprising, given that operation of a CMV typically requires a valid CDL. This pattern seems to suggest that officers are conducting traffic stops with CMVs when the operator does not possess a valid CDL.



**Figure 3. Frequency of Traffic Stops Including CMV/CDL**



In addition to the closed-ended questions about traffic stops and commercial drivers, we also asked officers to comment on the challenges that tribal law enforcement officers experience when conducting a traffic stop with a CMV or CDL holder. Four respondents provided open-ended comments.

**Table 1. Challenges for Tribal Law Enforcement**

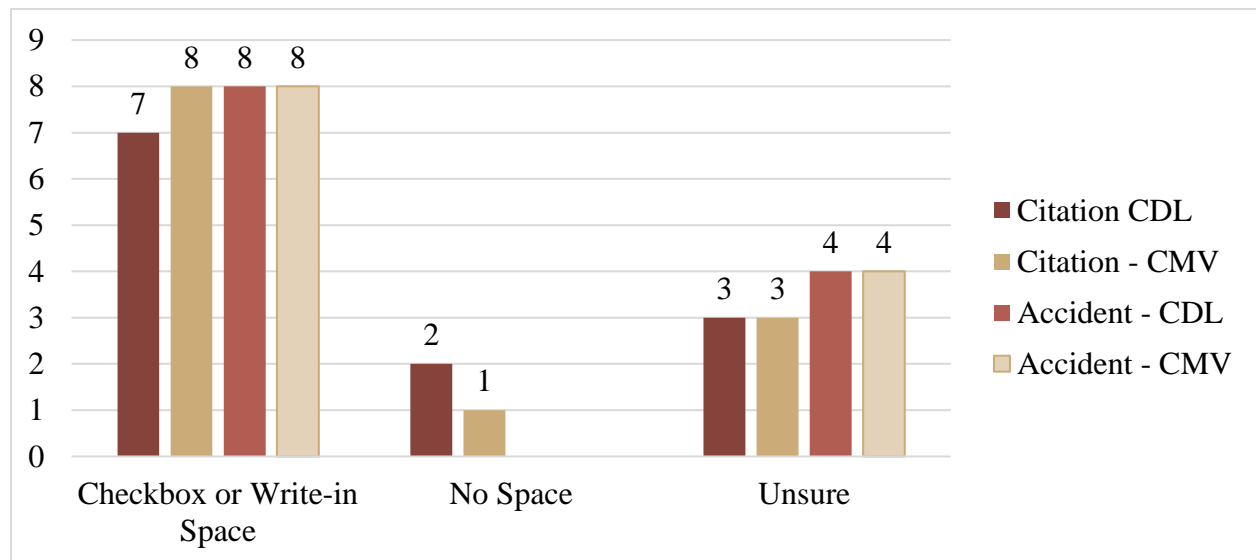
Lack of training/education. limited statute/Code for commercial vehicles.
With motor carrier enforcement in Michigan, there is a lack of repetition for officers conducting traffic stops with commercial vehicles. The lack of reps hinders an officer’s time and confidence during the performance of these stops.
Having the time available to get Officers trained in commercial vehicle inspection due to being unable to backfill the position during the 2 weeks of training and covering cost of travel.

**Table 2. Strategies for Tribal Law Enforcement**

Training
Adopt state statute into Tribal codes
Legal updates and internal trainings such as mock traffic stops.

**Citations and accident forms.** We asked respondents whether their citation and accident forms provide a designated space to indicate that a vehicle was a CMV, or that the license of the driver was a CDL. Most respondents indicated that they had either a checkbox or a write-in space to designate CDL and CMV information for citations, though two (2) respondents said their forms did not have space to indicate a CDL, and one had no space to indicate a CMV. For accidents, most respondents indicated that they had space to designate CDL and CMV information, though four (4) respondents were unsure whether their accident forms had such a space. Two (2) respondents who reported they conduct traffic stops indicated that they were unsure

**Figure 4. Space Provided on Forms to Indicate CDL/CMV**



whether their citation forms had space to designate CDL or CMV information. Similarly, three (3) respondents who respond to accidents indicated that they were unsure whether their accident forms had space to designate CDL or CMV information.

### Jurisdiction

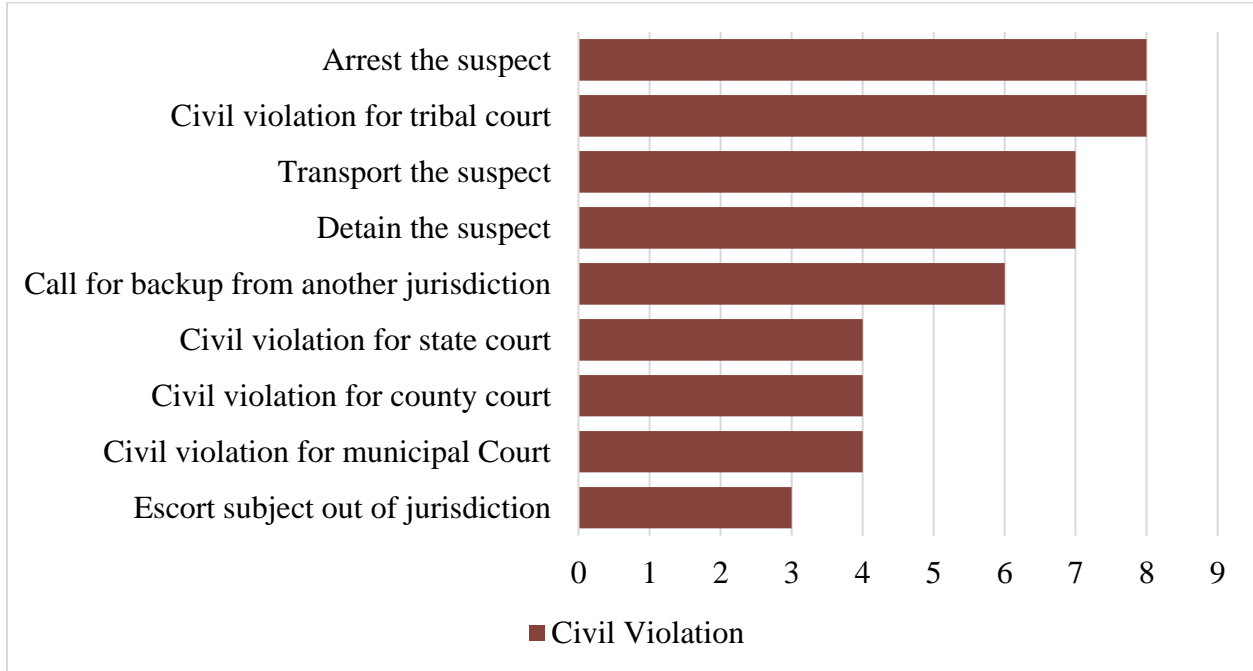
Judges in our prior studies indicated that jurisdiction was one of the most pressing considerations for adjudicating CMV and CDL cases. Eleven (11) officers indicated the types of traffic violations addressed in their tribal codes, with the majority (9) indicating that their tribal codes address both civil and criminal traffic violations. However, only two (2) respondents indicated that their tribal codes specifically address commercial traffic. Respondents also responded to items about their tribal codes and training about commercial motor vehicles and regulations. Fewer than half of respondents (36%) indicated that they had personally received training on CMV regulations or classifications. Only 18% of respondents indicated knowledge that other officers in their department had received such training, while almost half of respondents did not know whether other officers had received such training.

**Table 3. Traffic Codes and CMV Training**

	Yes	No	Unsure
Does your tribal code address <i>commercial</i> traffic violations?	2	4	5
Have <i>you personally</i> ever received training on CMV regulations?	4	7	0
Have <i>you personally</i> ever received training on CMV classifications?	4	5	2
To your knowledge, have <i>other officers</i> in your department received training on CMV regulations?	2	4	5
To your knowledge, have <i>other officers</i> in your department received training on CMV classifications?	2	4	5

We also asked officers in this survey what actions they are empowered to take when they conduct a traffic stop with a driver who is not Native American (*Fig. 5*).

**Figure 5. Sanctions for Non-Indian Drivers**

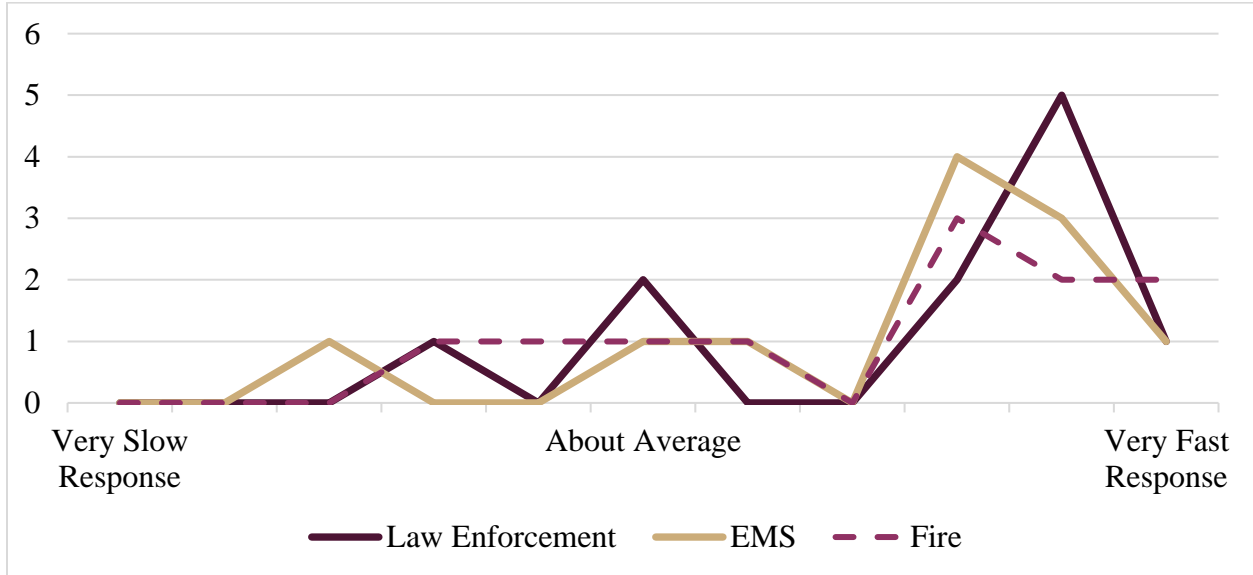


Note: The actions available to officers depend on several factors including deputizations and the intergovernmental agreements. The sample from this survey is too small to explore relationships between these factors and the perception of available actions.

### **Coordination with Other Agencies**

We asked respondents to estimate the typical time to respond when they require assistance from city, county, and state agencies including law enforcement, emergency medical services, and fire services. Respondents indicated the average time on a 10-point scale, ranging from 0 = “Very Slow Response” to 10 = “Very Fast Response.” The midpoint of the scale (5) indicated “About Average” and is subjective based on the officers’ experiences. Overall, most respondents indicated that the average response time from all three agency types was faster than average (*Fig. 6*).

**Figure 6. Response Time from Coordinating Agencies**



### Discussion

Despite our efforts, participation in this survey was incredibly low. We were only able to recruit twelve respondents, and only eleven of these respondents provided complete surveys. Still, this data shows interesting patterns.

Perceptions of the volume and risk of commercial traffic on reservations appears to differ between judges and law enforcement. Summers (2019) reported that only 38% of judges in her sample thought CMV traffic was “very common,” while 22% thought that CMV traffic was “not at all common.” Conversely, ten (10) of our respondents indicated that CMV traffic was “very common” on their reservations and indicated numerous commercial and civil enterprises exist on their reservations which are associated with commercial driving.

Many of the officers who responded lack training about commercial motor vehicles and CMV regulations, and the open-ended comments indicate that at least some officers recognize this as a limitation. Officers pointed out that adoption of state statutes into tribal codes and expanded MOU agreements could facilitate better handling of traffic stops involving CMVs and

CDLs. One officer pointed out, however, that no amount of effort to increase jurisdiction will be effective unless officers are trained to spot unsafe trucks. Law enforcement is the first point of contact in the “life-cycle” of a CDL/CMV violation, and it is important that officers are empowered with both knowledge and authority to properly handle commercial driving violations. Future research should examine the prevalence of commercial violations coming into state and municipal courts from reservations, and training organizations should consider outreach efforts to train tribal law enforcement about CMV laws.

## References

Snider, K. M. (2019). Tribal Judges' Knowledge and Attitudes Regarding CDL Cases: A Focus Group Analysis to Inform A Needs Assessment Study. The National Judicial College: Reno, NV. <https://cdlresources.org/tribal>

The Whitener Group. (2019). National Judicial College commercial drivers license/commercial motor vehicles Tribal Court needs assessment report. <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:481bd9bc-0ddc-330c-95e1-966d0d2d822f>

## Appendix

### Tribal Law Enforcement Survey

#### Informed Consent

#### **Tribal Law Enforcement Survey: Commercial Motor Vehicle and Commercial Drivers**

Organization: The National Tribal Judicial Center at The National Judicial College

Investigator: Katie M. Snider, M.A.

Contact: ksnider@unr.edu  
jwmorris@judges.org

#### **Who We Are**

The National Tribal Judicial Center at The National Judicial College is one of the first institutions to address the specific needs of American Indian and Alaska Native tribal law judiciaries. We provide ongoing education for tribal judges, including innovative curricula designed to enhance the professional skills of tribal judges and court personnel.

#### **What We Are Asking of You**

We are conducting a survey to learn about your experiences with commercial motor vehicles (CMVs) and drivers who hold a commercial driver's license (CDL) in Native American communities. We want to know more about the presence of commercial traffic in Native American communities. As law enforcement officers with tribal police departments, you are uniquely positioned to understand and inform us about how these issues affect your community.

#### **Promise of Confidentiality**

We are committed to treating your time and the information that you share with the appropriate confidentiality and respect that you and your community deserve. We would like to know more about the impact of commercial traffic and the challenges of commercial motor vehicle enforcement that Native communities face, and we are surveying law enforcement across the country. In this research, we have two goals in mind:

- To identify challenges that tribal law enforcement agencies face with regard to commercial motor vehicle and commercial driver enforcement
- To identify models for success by tribal law enforcement agencies in handling these same issues

**Any information that you provide will be aggregated with information from other respondents, and no individual person, or Native American Nation, will be specifically identified with any specific information from this survey. We will strive to treat the**



**information you share, including your department's reputation and your personal privacy, with the utmost respect.** Only the investigator will have access to individual data. All reports from this survey will include aggregated information. It will not be possible for anyone reading those reports to know who participated in the survey. Your data will be stored on a Qualtrics survey account registered through the University of Nevada, Reno, and when the survey data is downloaded, it will be stored on a secured drive.

### **How We Will Use This Information**

We will analyze the results from this survey, and that information will be used in several ways.

Model Policies and Agreements - We will use the results to guide development of model policies and agreements that can be adopted by Native American governments. Model policies and model agreements provide a starting point for legislators and other officials so that they do not have to draft new policies and agreements from scratch. They can be altered to fit the specific needs of a government or department, while saving much time and energy.

Technical Report - As the research assistant on this project, it is my responsibility to write a comprehensive analysis of any research findings that result from my work. This allows The National Judicial College and The National Tribal Judicial Center to maintain a record of the work that has been done on their behalf, and to reference this research in future trainings and projects.

Publication - This research is most useful when the non-identifying information that is found is made publicly available. Moreover, we owe it to the respondents who share their voice to allow that voice to be heard. We will make every attempt to find an appropriate outlet, such as an academic, law, or trade journal, in which we can share the information provided by survey respondents.

### **This Survey is Voluntary**

If you choose to participate, you may stop participating at any time. You may also skip any questions that you are not comfortable answering. If you have any questions about your rights as a respondent, you may contact the researcher at any time.

This research is funded by the Federal Motor Carrier Safety Administration.

- Proceed to the Survey
- Exit

## Heat Map BIA Regions



In which region(s) of the United States is your reservation/department located? (Check all that apply)

- |   |                                    |
|---|------------------------------------|
| <input type="checkbox"/> Alaska                         | <input type="checkbox"/> Northeast |
| <input type="checkbox"/> East Central                   | <input type="checkbox"/> Southeast |
| <input type="checkbox"/> Midwest                        | <input type="checkbox"/> Southwest |
| <input type="checkbox"/> Northwest ( <i>not</i> Alaska) | <input type="checkbox"/> Western   |

## Department Information

How many officers work in your police department?

- Less than 10 Officers
- 11 to 25 Officers
- 26 to 50 Officers
- 51 to 99 Officers
- 100 or more Officers

With which of the following authorities are you OR other officers in your department deputized?

*Select all that apply.*

- |                                    |  |
|------------------------------------|--|
| <input type="checkbox"/> Tribal    | <input type="checkbox"/> Federal       |
| <input type="checkbox"/> County    | <input type="checkbox"/> Tribal ONLY   |
| <input type="checkbox"/> City/Town | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> State     | <input type="checkbox"/> None of these |

Are there any jurisdictions adjacent to yours in which your department's authority is *not recognized*?

- Yes
- No

Are there any jurisdictions adjacent to yours in which your department's authority is challenged?

- Yes
- No

Does your department have access to the following data and information sharing systems?  
*Check all that apply.*

- |   |  |
|---|--|
| <input type="checkbox"/> Commercial Driver License Information System (CDLIS)       | <input type="checkbox"/> Tribal Access Program (TAP) |
| <input type="checkbox"/> National Law Enforcement Telecommunications System (NLETS) | <input type="checkbox"/> Other database systems      |
| <input type="checkbox"/> National Incident-Based Reporting System (NIBRS)           | <input type="checkbox"/> None of these               |

This space is provided for any additional comments you would like to add, based on the previous questions.

---

---

---

---

---

### Prevalence of Commercial Traffic

Which (if any) of these commercial enterprises are present within your jurisdiction?

- |  |  |
|--|--|
| <input type="checkbox"/> Casino(s)                         | <input type="checkbox"/> Mining (e.g., metals, coal) |
| <input type="checkbox"/> Logging                           | <input type="checkbox"/> Sand and Gravel             |
| <input type="checkbox"/> Agriculture                       | <input type="checkbox"/> Construction                |
| <input type="checkbox"/> Commercial Distribution           | <input type="checkbox"/> Manufacturing               |
| <input type="checkbox"/> Oil Drilling/Petroleum Extraction | <input type="checkbox"/> Processing/Packaging        |
| <input type="checkbox"/> Petroleum Refining                | <input type="checkbox"/> Other: _____                |
| <input type="checkbox"/> Natural Gas Drilling/Fracking     | <input type="checkbox"/> None of these               |

Which (if any) of these civil enterprises are present within your jurisdiction?

- |   |  |
|---|--|
| <input type="checkbox"/> Public schools                     | <input type="checkbox"/> Waste removal   |
| <input type="checkbox"/> Private/charter schools            | <input type="checkbox"/> Road maintenance (commercial plows, salt/sand spreaders, graders, etc.) |
| <input type="checkbox"/> Senior centers                     | <input type="checkbox"/> Other: _____  |
| <input type="checkbox"/> Public transportation (bus system) | <input type="checkbox"/> None of these   |

How common is commercial motor vehicle traffic within your jurisdiction (e.g., semi-trucks, school buses, automobiles carrying hazardous waste)?

- Not at all common
- A little common
- Somewhat common
- Very common
- Unsure
- N/A

### **Officer Experience**

The following questions are about your own personal experience working with your department or agency.

---

Do you conduct traffic stops within your jurisdiction?

- Yes
  - No
- 

Do you respond to motor vehicle accidents within your jurisdiction?

- Yes
  - No
-

How often do you handle traffic stops involving *commercial motor vehicles*?

- Very Often
  - Often
  - Sometimes
  - Rarely
  - Never
- 

How often do you handle traffic stops involving *commercially licensed drivers* (including when they are in their personal vehicle)?

- Very Often
  - Often
  - Sometimes
  - Rarely
  - Never
- 

What (if any) unique challenges do tribal law enforcement experience when handling a traffic stop with either a commercial motor vehicle or a commercially licensed driver?

---

---

---

---

---

What (if any) strategies can tribal law enforcement use to help them handle a traffic stop with either a commercial motor vehicle or a commercially licensed driver?

---

---

---

## Citations and Accident Forms

Do your **citation forms** include a space to designate whether the driver is commercially licensed (CDL)?

- Check Box
- Write-In
- No Space
- Unsure

Do your citation forms include a space to designate whether the incident involved a commercial motor vehicle?

- Check Box
- Write-In
- No Space
- Unsure

Do your **accident report forms** include a space to designate whether the driver is commercially licensed (CDL)?

- Check Box
- Write-In
- No Space
- Unsure

Do your **accident report forms** include a space to designate whether the crash involved a commercial motor vehicle?

- Check Box
- Write-In
- No Space
- Unsure

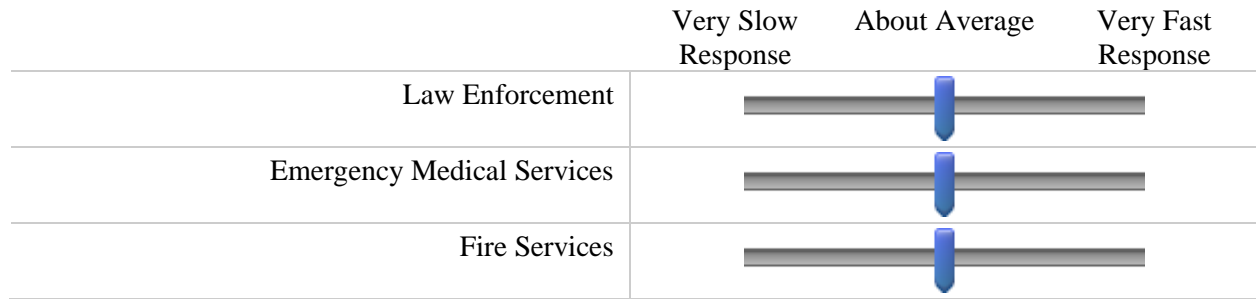
### **Jurisdiction**

If you stop a **non-Indian driver** within your jurisdiction, which of the following are you empowered to do?

- Issue civil violation (warning/fine) for tribal court
- Issue civil violation (warning/fine) for municipal court
- Issue civil violation (warning/fine) for county court
- Issue civil violation (warning/fine) for state court
- Escort the subject out of your jurisdiction
- Detain the suspect
- Call for backup from another jurisdiction
- Arrest the suspect
- Transport the suspect
- Other \_\_\_\_\_



When you need assistance from city, county, or state agencies, how would you rate their response time?



---

Do you have any additional thoughts on this topic that you would like to share?

---

---

### **Knowledge and Training**

Which types of traffic violations are addressed in your tribal codes?

- Civil violations only
  - Criminal violations only
  - Both civil and criminal violations
  - Unsure
-

The following items address training and awareness.

	Yes	No	Unsure	N/A
Does your tribal code address <i>commercial</i> traffic violations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have <i>you personally</i> ever received training on CMV regulations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Have <i>you personally</i> ever received training on CMV classifications?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To your knowledge, have <i>other officers</i> in your department received training on CMV regulations?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
To your knowledge, have <i>other officers</i> in your department received training on CMV classifications?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Would you like to add any additional comments regarding commercial traffic in your jurisdiction or this survey in general?

---



---