



Tulsa Police Department

This policy statement and the procedures thereunder are intended for Police Department use only. The policies, procedures, and regulations are for internal Police Department administrative purposes and are not intended to create any higher legal standard of care or liability in an evidentiary sense than is created by law. Violations of internal Police Department policies, procedures, regulations, or rules form the basis for disciplinary action by the Police Department. Violations of law form the basis for civil and/or criminal sanctions to be determined in a proper judicial setting, not through the administrative procedures of the Police Department.

Policy # 120C

Effective Date 05/09/2024

Policy Name Native American Domestic Violence

Approved Date 05/07/2024

Approved by *Wendell Franklin, Chief of Police*

Previous Date 01/23/2023

PURPOSE OF CHANGE:

Update contact information.

POLICY:

Handling domestics involving members of a Native American Tribe require different procedures for the Tribal system. This policy lines out those procedures that are to be followed.

SUMMARY: Procedures for domestics involving Native American individuals.

APPLIES TO: Sworn Personnel

DEFINITIONS: None

PROCEDURES:

1. Ask if the suspect is a member of a Native American Tribe. If the suspect claims tribal status, contact the respective tribal enrollment office to confirm their status. Document the results of your inquiry and enrollment number if provided.
 - a. If the suspect is not present but the victim advises the suspect is tribal, make every effort to confirm their tribal status. If you can't confirm, then document your efforts.
2. Felony Domestic Incidents (Tribal only): If you have probable cause to arrest for a felony domestic violence incident involving a Native American suspect and have the suspect in custody, contact the on-duty FBI agent to provide details of the incident. The on-duty agent phone # is (405) 290-7770.
 - a. If the FBI agrees to take the case, the agent (or a TFO) will come in to assist with the booking process. All reports should then be sent to that agent and the United States Attorney's Office (USAO). The email for the USAO is: USAOKN.Intake@usdoj.gov
 - b. If the FBI declines to take the case, document this in your report and book the arrestee with the correct tribal jail.
 - c. All reports should then be sent to the respective tribe for prosecution and to the United States Attorney's Office. For MCN, send reports (felony/misdemeanor packets) to prosecutor@mcnag.com. For CN, send reports to cnag-criminal@cherokee.org. If sending a report/packet to either tribe "cc" the USAO at USAOKN.Intake@usdoj.gov.
 - d. Regardless of the tribal affiliation of the suspect, the suspect shall be booked into the jail in the respective tribal jurisdiction where the crime occurred. For MCN, book the suspect into Tulsa County Jail (DLM). For CN, book the suspect into Rogers County Jail.
 - e. If the crime occurs in Osage County, follow standard booking procedures since McGirt does not apply to Osage County.

REFERENCES:

120A., *Domestic Violence*