

## Appendix

### Illustrative Examples

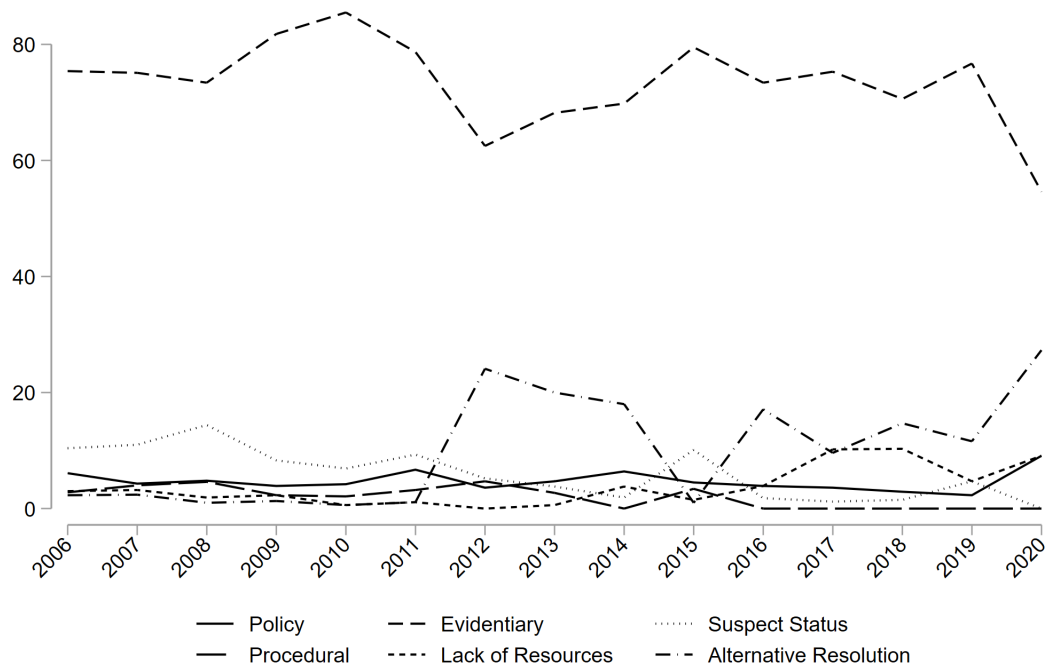
To demonstrate the impact of this jurisdictional maze on crime in IC, consider this illustrative examples: Leonard Apachito.

#### *Leonard Apachito—Navajo Nation*

In 2004, Alex Apachito was socializing with a group of friends at his cousin's—Leonard Apachito—house on the Navajo reservation in New Mexico. The two cousins—Alex and Leonard—got into an argument which ended with Leonard attacking Alex with a knife. Alex sustained a life-threatening cut from his throat to his neck (Riley 2007). Alex escaped and sought medical attention, which saved his life. The FBI questioned Alex about the event and Alex named his cousin—Leonard Apachito—as his assailant. Even with this information, the FBI declined to try the case (Riley 2007). And as a result, Leonard Apachito remained a free man. A few months later, Leonard Apachito stabbed and killed Arthur Schobey in Albuquerque, New Mexico. Apachito was arrested, tried, and convicted of manslaughter in the New Mexico State Court for the killing of Schobey. The sentence imposed upon him was six years, which could have been more severe had he been a convicted felon. However, Apachito had never been arrested nor tried for the act of slashing his cousin's throat on the reservation.

This example highlights the pitfalls of the jurisdictional web that makes up the criminal justice system in IC. The aforementioned policies serve to limit the ability for tribal nations to maintain control over criminal justice in IC. These nations are forced to rely on the federal government to process major crimes committed in IC. Yet, the same federal agencies that are legislatively tasked with policing IC often do not have the resources and work force to do this job. Criminal cases in IC are often delayed or worse yet, the USAOs decline to prosecute these violent crimes. As a result, people like Apachito remain free and are able to continue to commit crimes in IC and non-IC communities.

**Figure A. Percentage Declination Reason, by Year**



U.S. Attorneys’ self-reported reasons for declining to prosecute, documented in the DOJ’s annual records, fall across six categories as defined by O’Neill (2004): policy, evidentiary, suspect status, procedural, lack of resources, and alternative resolution. Figure A illustrates these declination justifications across these categories from 2006 to 2020. As the figure indicates, the distribution for most of the declination justification categories is relatively stable across the observed time period. However, there is some degree of variation in evidentiary and alternative resolution declinations in the post-TOLA time-period. In the post-TOLA time-period, it appears the proportion of cases declined due to evidentiary reasons has slightly declined, while the proportion of cases declined due to alternative resolution has slightly increased.

**Table A. Descriptive Statistics**

	Mean	Min	Max	SD
% Declination	39.43	0	100	36.31
JAG (per cap)	2.17	0	56.12	6.76
Full-Time Officers (per cap)	8.04	0	357.14	28.64
% Violent Cases	57.28	0	100	37.48
% Poverty	24.94	0	100	11.73
% GOP Judges	62.85	16.67	100	19.36
DC Caseload	394.01	21	1455.67	435.09
Tribe Pop. (per 10K)	2.76	.001	80.01	8.90
2006	.07	0	1	.26
2007	.08	0	1	.27
2008	.06	0	1	.24
2009	.07	0	1	.25
2010	.07	0	1	.26
2011	.08	0	1	.27
2012	.10	0	1	.29
2013	.10	0	1	.30
2014	.10	0	1	.30
2015	.10	0	1	.30
2016	.09	0	1	.28
2017	.04	0	1	.20
2018	.03	0	1	.17
2019	.02	0	1	.13
Observations	1246			