

CULTURAL CRIMES INVESTIGATION (ARPA)

A Law Enforcement Resource Toolkit — National Native Justice Institute | www.nativejustice.us

■ CULTURAL CRIMES & ARPA IN TRIBAL COMMUNITIES

The Archaeological Resources Protection Act (ARPA) and Native American Graves Protection and Repatriation Act (NAGPRA) are federal laws protecting the cultural heritage, sacred sites, human remains, and archaeological resources of Native American communities. Violations — including looting, illegal excavation, trafficking of Native artifacts, and desecration of burial sites — cause irreparable harm to tribal cultural identity and are federal crimes carrying significant penalties.

 Looting of archaeological sites destroys irreplaceable cultural context that cannot be restored once lost — even if artifacts are recovered.

 ARPA violations are federal felonies carrying up to 5 years imprisonment and \$250,000 in fines for first offenses involving items over \$500 commercial value.

 NAGPRA requires federal agencies and museums to repatriate Native American human remains and sacred objects to affiliated tribes. Violations are federal offenses.

 Tribal officers play a critical role in detecting, documenting, and reporting cultural crimes — often the only law enforcement presence near remote sacred and archaeological sites.

■ KEY FEDERAL STATUTES FOR CULTURAL CRIMES

Archaeological Resources Protection Act (ARPA) – 16 U.S.C. §470

- Prohibits excavation, removal, damage, alteration, or defacement of archaeological resources on federal or tribal lands without a permit.
- Archaeological resource means any material remains of human life or activities at least 100 years old, including pottery, basketry, bottles, weapons, and structures.
- Commercial trafficking in ARPA-protected items carries separate penalties. Document all items found at violation scenes.

Native American Graves Protection & Repatriation Act (NAGPRA) – 25 U.S.C. §3001

- Protects Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony found on federal and tribal lands.
- Any inadvertent discovery of human remains or sacred objects during ground disturbance activity must stop immediately and the tribe and federal agency must be notified.
- Tribal officers should secure and preserve any discovered remains or objects pending notification of tribal cultural preservation staff and the FBI.

Other Relevant Statutes

- 18 U.S.C. §1170 – Theft from Indian Tribal Organizations: protects tribal property including cultural items.
- 18 U.S.C. §2314 – Interstate Transportation of Stolen Property: applies to trafficking of stolen Native artifacts across state lines.

■ TIPS FOR TRIBAL OFFICERS ON CULTURAL CRIMES

- **Know Your Sacred & Archaeological Sites** – Work with your tribal historic preservation officer (THPO) to identify known sacred sites and archaeological zones in your patrol area before a crime occurs.
- **Preserve Disturbed Sites Immediately** – Secure any site showing signs of unauthorized excavation. Do not allow additional disturbance. Document the scene photographically before any contact.
- **Notify FBI & BIA Immediately for ARPA Violations** – ARPA is a federal crime. Notify the FBI and BIA Law Enforcement immediately upon discovering a violation. Do not attempt to independently prosecute.
- **Contact Your Tribal Historic Preservation Officer (THPO)** – Your THPO is the expert on what is culturally significant and has authority over cultural crime response. Build this relationship before an incident.
- **Document All Discovered Items Without Moving Them** – Photograph every artifact, bone, or object in place before any movement. Consult with the THPO and FBI before removing anything.
- **Recognize Cultural Crimes as Crimes Against the Entire Tribe** – Frame cultural crime investigations with the understanding that these offenses harm the entire community's cultural identity and sovereignty, not just property.

RESOURCES, GRANTS & SUPPORT

Funding, Training, and Support Resources — Tribal Cultural Crimes Investigation Programs | www.nativejustice.us

■ FEDERAL GRANT RESOURCES

Cultural Protection & Investigation

- **National Park Service – ARPA Enforcement** – Federal coordination for ARPA violations on federal and tribal lands. nps.gov/subjects/archeology/arpa.htm
- **FBI Indian Country – Cultural Crimes** – Federal investigative authority for ARPA and NAGPRA violations. fbi.gov
- **BIA Office of Justice Services** – Federal law enforcement support for cultural crimes in Indian Country. bia.gov/bia/ojs
- **National NAGPRA Program – NPS** – Federal NAGPRA implementation, compliance, and technical assistance. nps.gov/subjects/nagpra

Cultural Preservation Support

- **Administration for Native Americans (ANA)** – Funds tribal cultural preservation and language programs. acf.hhs.gov/ana
- **NEH Tribal Colleges & Cultural Heritage Grants** – Supports tribal cultural heritage preservation and education. neh.gov
- **CTAS – DOJ Coordinated Tribal Assistance** – DOJ tribal funding supporting law enforcement and cultural protection. justice.gov/tribal

■ STATE & ADDITIONAL RESOURCES

- **State Homeland Security Grants (SHSGP)** – Tribal law enforcement may be eligible for state-administered FEMA homeland security funding.
- **Tribal Law & Order Act (TLOA) Resources** – Expanded tribal criminal authority and DOJ technical assistance for implementation.
- **Grants.gov Tribal Search Tool** – Search all federal grants available to tribal entities. grants.gov (filter: Tribal Government eligibility)

■ HELPFUL TIPS FOR TRIBAL PROGRAMS & LEADERS

Partner with Your Tribal Historic Preservation Officer Build a formal working relationship with your THPO before a cultural crime occurs. Joint training, site mapping, and response protocols save critical response time.	Conduct Cultural Sites Patrol Training Ensure all patrol officers know the location of known archaeological and sacred sites and understand their protective role and notification requirements.
Develop a Cultural Crimes Response Protocol A written response protocol covering ARPA and NAGPRA violations, including notification chains and evidence handling, ensures consistent response.	Document All Cultural Crime Incidents in a Registry Maintain a tribal cultural crimes incident registry to track patterns, support federal investigations, and document tribal need for grant applications.

■ KEY WEBLINKS

National Native Justice Institute	www.nativejustice.us
NPS ARPA Enforcement	nps.gov/subjects/archeology/arpa.htm
National NAGPRA Program	nps.gov/subjects/nagpra
BIA Law Enforcement Services	bia.gov/bia/ojs
FBI Indian Country	fbi.gov
Grants.gov (Tribal Search)	grants.gov

■ PARTNER WITH NNJI — WE ARE READY TO SUPPORT YOUR COMMUNITY

TAKE ACTION TODAY — Contact NNJI at www.nativejustice.us to schedule training, consultation, or access resources.

Strengthening Tribal Justice — One Community at a Time