

SUMMARY OF THE TRIBAL LAW & ORDER ACT OF 2009

The bill generally seeks to bring greater local control to tribal law enforcement agencies to combat reservation crime, and establish accountability measures for federal agencies responsible for providing public safety in Indian Country.

Title I of the bill would require the Department of Justice to file declination reports to tribal justice officials to coordinate the prosecution of reservation crimes. This Title would also enhance consultation and communication between the Bureau of Indian Affairs Office of Justice Services and tribal communities. It would also require the BIA to issue annual spending and unmet needs reports.

Title II of the bill would permit Tribes to call on the United States to assist State governments in the prosecution of major crimes where the States have the authority, but lack the resources to address reservation crimes. This Title would also establish a program to provide technical and financial assistance to encourage tribal-State cooperative law enforcement agreements.

Title III would provide tools to tribal justice officials to fight crime in their own communities. This Title would expand on a program to authorize tribal police make arrests for all crimes committed on Indian lands. It would also provide tribal police greater access to national criminal history databases, expand training opportunities to tribal colleges and state academies, and set timelines on BIA background checks.

Section 304 of the bill would increase the sentencing authority of tribal courts to three years for any single offense (up from 1-year limitation under current law). Tribal courts exercising the increased authority must provide defense counsel for indigent defendants. This provision would also permit Tribes to transfer prisoners to the Bureau of Prisons, where the tribal government reaches agreement with the Bureau.

Title IV would reauthorize and amend existing programs to better serve tribal communities. The programs to be reauthorized include the BIA and DOJ tribal courts laws, the DOJ Jails statute, tribal juvenile justice laws, and the Indian Alcohol and Substance Abuse Act. Importantly, this Title would also reauthorize the DOJ Tribal Community Oriented Policing Services program to permit long term, and in some cases, permanent grants for the hiring and training of tribal police officers, and purchase of computers, weapons, vehicles, and other necessary equipment.

Title V would improve the collection of reservation crime data and criminal history information sharing by tribal, federal, and state law enforcement officers responsible for investigating and enforcing crimes committed in Indian Country.

Title VI includes provisions to address the epidemic of domestic violence and sexual assault in Indian Country. Section 601 would require federal officials to notify tribal justice officials when a sex offender is released from federal custody into Indian Country. It would also require the U.S. to register the offender with the tribal registry, if applicable. Section 602 requires law enforcement officers and prosecutors to receive specialized family violence training to enhance the prosecution of crimes of sexual violence in Indian Country. Section 603 requires federal employees to testify – where they obtain knowledge of a crime within the scope of their duties – in tribal court, to help support prosecutions at the local tribal level.