



# United States Department of the Interior


BUREAU OF INDIAN AFFAIRS  
Washington, D.C. 20240

IN REPLY REFER TO:  
Office of Justice Services

JAN 31 2011

## Memorandum

To: California Tribal Police Chiefs

From: Darren Cruzan, Deputy Bureau Director  
Office of Justice Services 

Re: Status of Tribal Police Officers Commissioned as Deputy Special Officers of the Bureau of Indian Affairs, United States Department of the Interior

As the Deputy Director of the United States Department of the Interior, Bureau of Indian Affairs, Office of Justice Services ("OJS"), I am writing to clarify the authority and status of a tribal police officer who receives from the Bureau of Indian Affairs a Special Law Enforcement Commission ("SLEC") to be a Deputy Special Officer. This letter supersedes any previous written communications from the Bureau of Indian Affairs, Office of Justice Services about the authority and status of tribal police officers who have SLECs.

To obtain and maintain an SLEC as a Deputy Special Officer, a tribal police officer must meet the requirements set out in the OJS Law Enforcement Handbook. Among other requirements, a tribal officer must satisfy state Peace Officer Standards and Training ("POST") requirements for certification as a bona fide full-time peace officer and must provide written proof of a state certification. The officer must also attend a Criminal Jurisdiction in Indian Country ("CJIC") training course and pass the final exam. As the head of an agency, a tribal chief of police can certify that a tribal police officer has met these training requirements. Alternatively, the officer can demonstrate that he or she has successfully completed the required training at a basic law enforcement academy that has been approved for such purposes by the Deputy Director or his designee.

A tribal police officer with a SLEC has the authority to take any of the actions set forth in 25 U.S.C.A. § 2803. In other words, when enforcing federal laws within the exterior boundaries of the Indian tribe, a Deputy Special Officer has the same authority as a Bureau of Indian Affairs law enforcement officer. As a result, a Deputy Special Officer acting within the scope of the Tribe's Deputation Agreement and his or her SLEC may be deemed an "employee" of the Bureau for purposes of the Federal Torts Claims Act.

If common law tort claims are brought against the Deputy Special Officer or the tribe in a civil action or proceeding, the Department of Justice determines whether the Deputy Special Officer was acting within the scope of the tribe's Deputation Agreement and his or her SLEC and, accordingly, whether to substitute the United States for the tribe or the Deputy Special Officer as the defendant in the civil action or proceeding.

However, the Department of Justice will not substitute the United States as a defendant if a Deputy Special Officer fails to follow the requirements of the tribe's Deputation Agreement or his or her SLEC. Additionally, in such a case, the Deputy Special Officer may have his or her SLEC suspended or revoked.

Should you have any questions concerning this matter, please contact your local Special Agent in Charge, Office of Justice Services, Bureau of Indian Affairs.