



4-04 SPECIAL LAW ENFORCEMENT COMMISSIONS

POLICY

The Bureau of Indian Affairs (BIA), Office of Justice Services (OJS), issues Special Law Enforcement Commissions to Tribal, Federal, State, and local full-time certified law enforcement officers who will serve without compensation from the Federal government. This process allows the BIA to obtain active assistance in the enforcement of applicable Federal criminal statutes, including Federal hunting and fishing regulations in Indian country.

RULES AND PROCEDURES

4-04-01 AUTHORITY TO ISSUE, RENEW, AND REVOKE DEPUTATION AGREEMENTS AND SPECIAL LAW ENFORCEMENT COMMISSIONS (SLEC's)

- A. Authority for the issuance of Special Law Enforcement Commissions is based upon Title 25, United States Code, Section 2804 (Pub. L. 101-379).
- B. Line Authority to Enter into Deputation Agreements and Issue Special Law Enforcement Commissions.
The authority for entering into Deputation Agreements and issuing Special Law Enforcement commissions is a line officer authority delegated in 3 IAM 2.8 (Indian Affairs Manual) to the Deputy Bureau Director, OJS. The Deputy Bureau Director has delegated to the District Special Agents in Charge the authority to enter into Deputation Agreements using an OJS and Solicitor's Office approved model Deputation Agreement, and to sign the Special Law Enforcement Commission cards granted pursuant to a valid Deputation Agreement.
- C. Issuance of Commissions Exclusively for Legitimate Law Enforcement Need. Commissions are to be issued or renewed at BIA-OJS discretion and only when legitimate law enforcement need requires issuance. Commissions are not to be issued solely for the furtherance of inter-agency or public relations. Such decisions by the BIA-OJS are non-appealable.
- D. Deputation Agreements.
 - 1. Special Agents in Charge may enter into an agreement with Tribal, Federal, State, or other government law enforcement agencies to aid in the enforcement or carrying out of Federal laws in Indian country with an authorizing resolution from the affected tribe.



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Effective: 07/01/2008
CALEA Standard(s)--

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2. The only deputation agreement that can be executed is a Model Deputation Agreement approved by the Office of the Solicitor, Division of Indian Affairs, Washington, D.C. Any other Deputation agreement forms will not be executed without the explicit approval of the Deputy Bureau Director and approval by the Office of the Solicitor.
 3. Before beginning the Deputation Agreement application process, Special Agents in Charge, OJS (SAC's) will make a determination that the applicant law enforcement agencies have written law enforcement policies and procedures in place.
 4. Before a SAC, executes a deputation agreement, the SAC must submit a memorandum to the Deputy Bureau Director outlining the need for the deputation agreement and a justification for the SLEC's based upon OJS' mission in Indian country, and the justification memorandum provided by the requesting tribe.
 5. The agency whose officers are commissioned pursuant to the deputation agreement agrees that the BIA-OJS will be permitted to evaluate the effectiveness of the SLEC's, in accordance with 25 C.F.R. § 12.21 (a).
 6. BIA-OJS has the authority to revoke a deputation agreement if BIA-OJS finds that the law enforcement agency has misused authority or is not effective pursuant to 25 C.F.R. § 12.21.
 7. The BIA-OJS Central Office will ensure that all signed Deputation Agreements and Resolutions are converted to an electronic format and posted to the SLEC Tracking system.
- E. Deputation Agreements with Tribal, State, and Local Law Enforcement Agencies.
1. Before the BIA-OJS will enter into a deputation agreement with a state or local law enforcement agency to provide law enforcement within a tribe's jurisdiction, the BIA-OJS must first have an authorizing resolution from the appropriate tribal government with jurisdiction, supporting the deputation agreement with the state, or local law enforcement agency.
 2. Agreements for one tribe to provide officers to another tribe's jurisdiction, for the purpose of enforcing federal law, must include authorizing resolutions from both the tribe providing officers and the recipient tribe.
- F. Standards for Issuance of Special Law Enforcement Commissions.
- All recipients of the SLEC must meet the following standards. The applicant for an SLEC shall:
1. Be at least 21 years old;
 2. Meet respective state Peace Officer Standards and Training (POST) requirements for certification as a bona fide full-time peace officer and provide written proof of such certification. Federal law enforcement applicants for the BIA's SLEC must produce evidence of federal law enforcement officer certification;



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3. Have passed their department's firearms qualifications and continue to be certified semi-annually within the period immediately preceding the issuance of, and during the term of, the commission. Verification of semi-annual qualifications must be submitted to the SAC to be maintained with the District's SLEC records;
 4. Never have been convicted of a felony;
 5. Not have been convicted of a misdemeanor offense within the one year period immediately preceding the issuance of the commission, with the exception of minor traffic offenses;
 6. Not have been convicted of misdemeanor domestic violence preventing the officer from possessing a firearm pursuant to Section 658 of Public Law 104-208 (the 1996 amendment to the Gun Control Act of 1968), 18 U.S.C. § 922 (g) (9);
 7. Sign a "Domestic Violence Waiver" certifying the applicant has not been convicted of a domestic violence offense;
 8. Not have been the subject of a court order prohibiting the officer from possessing a firearm;
 9. Have no physical impairments that would hinder performance as an active law enforcement officer;
 10. Meet the minimum standards established for BIA officers in accordance with 25 C.F.R. Part 12; and
 11. Pass the Criminal Jurisdiction in Indian country examination with a score of 70% or higher.
 12. Graduates of the Indian Police Academy's basic police training program are considered to have met the training requirements if application for SLEC is made within three years of their graduation.
- G. Special Law Enforcement Commissions do not give participating applicants access to "classified" information.
- H. Required Information on Commission Cards.
Each commission card will display the following identifying data:
1. Name and recent photo of holder of commission;
 2. Date of birth, height, weight, color of hair and eyes, and Social Security Number;
 3. Date of issuance, date of expiration, title or position of holder, bearer's agency/department, and control number;
 4. Signature of the Special Agent in Charge, OJS; and
 5. Signature of holder.



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I. Maintenance of Commission Records.

1. The SAC will keep a current record of all outstanding commissions, which is subject to review. The record will include, but is not limited to name, department, date of issuance, and a copy of the signed deputation agreement.
2. Each SAC will be responsible for ensuring that all SLEC's issued or revoked in the District are recorded in the Special Law Enforcement Commission Tracking system.

J. Orientation Includes Authority of Commission.

The Indian Police Academy will provide a minimum course of instruction, particularly in the areas of jurisdiction and Federal law. This course will also include orientation as to the exact authority the holder is authorized to exercise by virtue of the commission. This course must be successfully completed before the commission is issued.

K. Federal Liability for Commission Holders.

The SLEC grants the holder specific Federal authority and responsibility and as a result places a high level of liability risk upon the U.S. Government. To reduce liability risks for the Government, the SAC is responsible for ensuring that all requirements are satisfied prior to the issuance of the commission. The liability or immunity of an officer with an SLEC will be determined according to the Deputation Agreement for issuance of the SLEC's, Section 8, Liabilities and Immunities.

L. Renewal of Commissions

Pursuant to the procedures outlined herein, officers may apply for renewal of their commissions. Officers should do so 90 days prior to expiration of their commissions.

M. Expiration of Commissions.

All SLECS expire three years from the date of issuance.

N. Revocation of Commission.

Commissions may be revoked for cause. Cause for revocation includes:

1. Resignation/termination from law enforcement;
2. Providing false information on an SLEC application;
3. Sustained internal Affairs investigation;
4. Giglio-Henthorne issues affecting the officer's ability to perform duties;
5. Sustained allegations of misuse of SLEC authority as described in 25 C.F.R. §12.21 (a); or
6. Termination of the Deputation Agreement.



Effective: 07/01/2008
CALEA Standard(s)--

Revised:

4-04-02 APPLICATIONS

- A. After a deputation agreement has been executed, applicants for SLEC's will submit to the SAC the completed official Application for Special Law Enforcement Commission.
- B. The application must include:
 - 1. A Domestic Violence Waiver signed by applicant, in accordance with section I., F.2;
 - 2. Verification of training;
 - 3. Current firearms qualifications;
 - 4. Certification from the Indian Police Academy that the applicant passed the Criminal jurisdiction in Indian country course examination with a score of 70% or higher; and
 - 5. Written acknowledgement that the applicant has reviewed and agrees to comply with the BIA-OJS' Code of Conduct.

4-04-03 CLEARANCE AND ISSUANCE OF SPECIAL LAW ENFORCEMENT COMMISSIONS

- A. The SAC will cause an examination to be made or verify that a thorough background investigation has been conducted on the applicant to determine the applicant's qualifications and eligibility. Verification that a thorough background investigation has been conducted and adjudicated is satisfied by the SAC's acceptance of the attestation from the chief law enforcement officer of the applicant's employing agency. If a thorough background investigation has not been completed and adjudicated, the applicant shall not be issued the SLEC.
- B. A thorough background investigation consists of the following:
 - 1. verification the applicant is a U.S. citizen at least 21 years of age;
 - 2. verification that, at a minimum, the applicant has a high school diploma or GED;
 - 3. a criminal history check including Tribe, City, and State where the applicant has resided for the past ten years;
 - 4. a credit check for the past seven years;
 - 5. references and reference check, including previous employers for last seven years;
 - 6. driver's license check;
 - 7. fingerprint chart cleared through the Federal Bureau of Investigation (FBI) to determine criminal record; and



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8. identification of any disqualifying factors, which include:
 - a. misconduct or negligence in prior employment which would have a bearing on effective service or interfere with or prevent effective performance;
 - b. criminal or dishonest conduct related to the duties to be assigned;
 - c. intentional false statement or deception or fraud in examination or appointment;
 - d. alcohol abuse of a nature and duration which suggests the applicant would be prevented from performing the duties of the position in question or would constitute a direct threat to the property or safety of others;
 - e. illegal use of narcotics, drugs, or other controlled substances;
 - f. knowing and willful engagement in acts or activities designed to overthrow the U.S. Government by force; or
 - g. any statutory bar which prevents the lawful employment of the person involved in the position in question.
- C. No commission may be issued until the applicant has satisfactorily passed the background investigation. Applicants who are employed by a law enforcement organization that requires as a pre-employment condition that they be fingerprinted and undergo a background investigation as thorough as that required of a BIA-OJS officer may be exempted from this process upon providing documentation of clearance. The employing chief law enforcement officer will attest and certify in writing, on department letterhead, that the applicant has met all requirements for the commission, including a full background investigation that has been adjudicated, and an FBI criminal history check.
- D. The application form must be fully completed and attested to by the chief law enforcement officer of the enforcement agency for which the applicant is a full-time officer.
- E. When all of the above are satisfactorily completed the Special Agent in Charge, will issue the SLEC.

4-04-04 RENEWAL OF COMMISSION

- A. The chief law enforcement officer of the applicant's employing agency will direct the officer requiring renewal of a commission to complete an SLEC renewal application.
- B. The chief law enforcement officer of the applicant's employing agency will attest and certify in writing, on department letterhead, that all information on the renewal application is accurate.
- C. The SAC will certify in writing that a continuing need exists for commissioning officers of the participating agency.



Effective: 07/01/2008
CALEA Standard(s)--

Revised:

D. The Special Law Enforcement Commission Renewal application shall consist of the following:

1. the completed official Application for Special Law Enforcement Commission;
2. letter of verification from the chief law enforcement officer of the enforcement agency for which the applicant is a full time officer that an updated background investigation was completed within one year of the SLEC renewal application;
3. Evidence from the Indian Police Academy that the SLEC renewal applicant passed the Criminal Jurisdiction in Indian country Update online examination within the past six months prior to submission of the renewal application, with a score of 70% or higher.

E. These documents must be completed and the SAC shall review them before a renewal commission will be issued, provided there are no other disqualifying issues.

4-04-05 RETURN OF SPECIAL LAW ENFORCEMENT COMMISSIONS

The chief law enforcement officer of the applicant's employing agency will agree in writing to assume responsibility for returning the SLEC commission card to the SAC when one of the following conditions occurs:

1. The commission has expired.
2. The holder terminates employment as a full-time peace officer for any reason.
3. The holder is transferred to another area of jurisdiction.
4. The holder is suspended by the employing agency for any reason.
5. The holder is under indictment or has been charged with a serious crime or any other disqualifying factor as specified in the Model Deputation Agreement.
6. The commission is revoked by BIA-OJS for cause.
7. An Indian tribe having jurisdiction has adopted a resolution objecting to the use of SLEC-commissioned law enforcement personnel of a non-Federal agency, within the tribe's jurisdiction.



Effective: 07/01/2008
CALEA Standard(s)--

Revised:

4-04-06 SPECIAL LAW ENFORCEMENT COMMISSIONS (SLEC) TRACKING SYSTEM

The Special Agent in Charge or designee shall immediately, upon receiving an application for a Special Law Enforcement Commission, enter the applicant's data from their respective application into the Special Law Enforcement Commission (SLEC) Tracking System. The following information from the submitted application shall be entered into the system:

1. Applicant's Last Name
2. Applicant's First Name
3. Applicant's Date of Birth
4. Middle Initial (If applicable)
5. Date Commissioned
6. Commission Level
7. Department
8. Social Security Number
9. Commission Number
10. Comments (Optional)
11. Commission Status
 - a. Undetermined
 - b. Commissioned
 - c. Denied
 - d. Suspended
 - e. Revoked
12. Reason for Commission Status
If the applicant is "Denied, Suspended or Revoked" a reason or cause must be noted.