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*General Counsel*

# California State Sheriffs' Association

*Organization Founded by the Sheriffs in 1894*

July 19, 2010

The Honorable Ed Pastor, U. S. Representative  
2465 Rayburn House Office Building  
Independence Ave & S Capitol St SW  
Washington, DC 20515  
Attn: Eve Alexander Young, Legislative Director  
Email: [eve.young@mail.house.gov](mailto:eve.young@mail.house.gov)

The Honorable Byron Dorgan, U. S. Senator  
Hart Senate Office Building - 322  
2<sup>nd</sup> & C Streets, NE  
Washington, DC 20510  
Attn: Ben Klein, Legislative Director  
Email: [ben\\_klein@dorgan.senate.gov](mailto:ben_klein@dorgan.senate.gov)

**Subject: CSSA Concerns Regarding HR 725 / S 797 – The Tribal Law and Order Act of 2009**

Gentlemen:

On behalf of the California State Sheriffs' (CSSA) Association, we write to advise of concerns we have regarding HR 725 / S 797 – The "Tribal Law and Order Act of 2009." Originally, HR 725 addressed only Indian Arts and Crafts. When it went to the Senate, the Tribal Law and Order Act of 2009 language (HR 1924) was attached to it and sent back to the House. We understand that a vote will be taken on HR 725 tomorrow Tuesday, July 20, 2010.

While most aspects of the legislation do not appear problematic, the proposed access by tribal police to national criminal information databases, specifically the National Law Enforcement Telecommunications System (NLETS) raises an important issue for us.

In California, tribal police officers are not California peace officers and therefore are prohibited from access to our California Law Enforcement Telecommunications System or CLETS. CLETS is the repository for California's criminal history data accessible only to California law enforcement officers and their agencies. Since CLETS information is contained within NLETS, the federal government is, through this legislation, providing national access to secure and restricted information to tribal police officers that they are not entitled to under California law.

CSSA is supportive of the efforts by the federal government as contained in HR 725 / S 797 to enhance the professionalism and authority of tribal police to enforce federal laws (tribal police holding a Special Law Enforcement Commission) on the Indian Lands located within the state of California. Since California is a Public Law 280 state, jurisdiction over the investigation of state crimes committed on Indian Land rests with the state. In California's case, that generally means jurisdiction of the local sheriff within whose jurisdiction the Indian Lands reside.

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Because the Tribal Law and Order Act language was so quickly attached to HR 725, we respectfully urge that your review and consider the impact as it relates to PL 280 states. We thank you for your attention to our concerns.

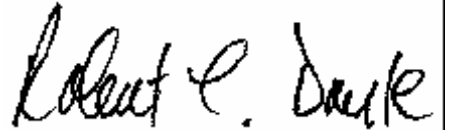
Sincerely,



Curtis J. Hill, President  
Sheriff, San Benito County



Martin Ryan, Tribal Issues Committee Chair  
Sheriff, Amador County



Robert Doyle, Legislative Committee Chair  
Sheriff, Marin County

CJH/MR/RTD/cmc

cc: The Honorable Stephanie Herseth Sandlin, U.S. Representative  
The Honorable John Conyers, Chairman-House Committee on the Judiciary  
The Honorable Lamar Smith, Ranking Republican Member-House Committee on the Judiciary  
The Honorable Nick J. Rahall II, Chairman-House Committee on Natural Resources  
The Honorable Doc Hastings, Ranking Republican Member-House Committee on Natural Resources  
The Honorable Henry A. Waxman, Chairman-House Committee on Energy and Commerce  
The Honorable Joe Barton, Ranking Republican Member-House Committee on Energy and Commerce  
The Honorable George Miller, Chairman-House Committee on Education and Labor  
The Honorable John Kline Ranking Republican Member-House Committee on Education and Labor  
The Honorable Dianne Feinstein, U. S. Senator  
The Honorable Barbara Boxer, U. S. Senator  
The Honorable Nancy Pelosi, U.S. Representative-Speaker of the House  
All California Sheriffs  
Sheriff Jim Denney (Ret.), CSSA Executive Director  
Carmen Green, CSSA Interim Executive Director  
Nick Warner, CSSA Legislative Director