

TRIBAL LAW AND ORDER ACT SUMMARY

Between 2007 and 2010, Congress held 17 hearings on various aspects of violence on Indian lands from domestic and sexual violence against women and children to drug smuggling and gang activity. On June 23, 2010, the Senate passed the Tribal Law and Order Act, as an amendment to H.R. 725, by unanimous consent.

Indian reservations nationwide face violent crime rates more than 2.5 times the national rate. Some reservations face more than 20 times the national rate of violence. More than 1 in 3 American Indian and Alaska Native women will be raped in their lifetimes, and 2 in 5 will face domestic or partner violence. The crisis is the result of a broken and underfunded system of justice.

Federal laws limit the authority of Indian tribes to punish Indian offenders to no more than 1-year imprisonment, and force reservation residents to rely on Federal (and in some cases State) officials to investigate and prosecute violent crimes on Indian lands. However, over the past 5 years, Federal officials have declined to prosecute 50% of alleged violent crimes in Indian country, including 75% of alleged sex crimes against women and children.

Less than 3,000 Bureau of Indian Affairs and tribal police patrol more than 56 million acres of Indian lands. Foreign drug cartels are aware of the lack of police presence on Indian lands and are targeting some reservations to distribute and manufacture drugs.

The Tribal Law and Order Act takes a comprehensive approach at addressing these shortfalls by establishing accountability measures for Federal agencies responsible for investigating and prosecuting reservation crime, and by providing tribes with additional tools to combat crime locally.

Some major provisions include:

- **Evidence sharing and declination data:** Requires federal prosecutors to maintain data on criminal declinations in Indian country, and to share evidence to support prosecutions in tribal court
- **Tribal Court sentencing:** Increases tribal court authority from 1 to 3 years imprisonment where certain constitutional protections are met
- **Federal Testimony:** Requires Federal officials who work in Indian country to testify about information gained in the scope of their duties to support a prosecution in tribal court
- **Improves transparency** in Public Safety spending by the BIA, and requires greater consultation on the part of the BIA to tribal communities on matters affecting public safety and justice
- **Increased sexual assault training** and standardized protocols for handling sex crimes, interviewing witnesses, and handling evidence of domestic and sexual violence crimes in Indian country
- **Authorizes Deputization of Special Assistant U.S. Attorneys** to prosecute reservation crimes in Federal courts, and encourages Federal Courts to hold cases in Indian country
- **Increases Deputizations of Tribal and State Police to Enforce Federal Law:** Enhances Special Law Enforcement Commission program to deputize officers to enforce federal laws on Indian lands
- **Authorizes the Drug Enforcement Agency to deputize** tribal police to assist on reservation drug raids
- **Increases recruitment and retention efforts** for BIA and Tribal Police
- **Expands training opportunities for BIA and Tribal police** to receive training at State police academies, and tribal, state, and local colleges – where Federal law enforcement training standards are met.
- **Tribal Police Access to Criminal History Records:** Many tribal police have no access to criminal history records. The bill will provide tribal police greater access to criminal history databases that provide them with essential information when detaining or arresting a suspect.
- **Programmatic Reauthorizations:** The bill will reauthorize and improve existing programs designed to strengthen tribal courts, police departments, and corrections centers – as well as programs to prevent and treat alcohol and substance abuse, and improve opportunities for at-risk Indian youth

The bill has the support of the U.S. Departments of Justice and Interior, the National Congress of American Indians, Amnesty International, the American Bar Association, the Federal Bar Association, the Friends Committee on National Legislation, the Episcopal Church, the Family Violence Prevention Fund, and many other tribal, state, and local governments and organizations.