

RIVERSIDE COUNTY

Stanley Sniff, Sheriff-Coroner



Sheriff

Colorado River Station- Blythe

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February 15, 2013

Dear Mr. Graves,

Thank you for your letter on behalf of the Rio Loco Homeowner's Association. I am aware of the many issues along the west bank of the Colorado River on the Colorado River Indian Reservation. I am also aware of the confusion of the concurrent jurisdictions shared by the United States, the Colorado River Indian Tribes (CRIT) and the State of California. I am also aware of the confusion created by Public Law 280. I will attempt to provide as much clarity as possible and try to provide you with a better understanding of the role played by the Riverside County Sheriff's Department in this situation.

You have provided me with copies of documents from Dennis Whittlesey and Christopher Lockwood. I am familiar with each of these documents, and will use them both in attempt to provide clarification. I have also attached copies of what you sent me for your reference.

I would first like to discuss the Whittlesey Memorandum (or at least the three pages you sent me). The memorandum cites 28 U.S.C. § 1360, subdivision (a) which provides:

Each of the States listed in the following table shall have jurisdiction over civil causes of action *between Indians or to which Indians are parties* which arise in the areas of Indian country listed opposite the name of the State to the same extent that such State has jurisdiction over other civil causes of action, and those civil laws of such State that are of general application to private persons or private property shall have the same force and effect within such Indian country as they have elsewhere within the State:

California is listed in the table.

While § 1360 subdivision (a) gives limited state jurisdiction over disputes with *individual* Indians, it does not give jurisdiction over disputes with *tribes*. Mr. Lockwood cited the following cases as support: Long v. Chemehuevi Indian Reservation, 115 Cal.App.3d 853, 855-856 (1981), cert. den. 454 U.S. 831, and cases cited therein; Parker Drilling Co. v. Metlakalta Indian Community, 451 F.Supp. 1127, 1139 (D. Alaska 1978).

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Upon further examination of the Whittlesey Memorandum that you sent me, I found within Mr. Whittlesey's analysis of Public Law 280, subdivision (b) of 28 U.S.C. § 1360 has been omitted. This section is particularly relevant in this matter as it expressly prevents states from addressing property disputes on tribal land. 28 U.S.C. § 1360 subdivision (b) provides:


Nothing in this section shall authorize the alienation, encumbrance, or taxation of any real or personal property, including water rights, belonging to any Indian or any Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States; or shall authorize regulation of the use of such property in a manner inconsistent with any Federal treaty, agreement, or statute or with any regulation made pursuant thereto; ***or shall confer jurisdiction upon the State to adjudicate, in probate proceedings or otherwise, the ownership or right to possession of such property or any interest therein.***

In Mr. Lockwood's letter to Antoinette Hawley dated August 8, 2012, you will see that Mr. Lockwood is outside counsel for Riverside County. You will also see Mr. Lockwood explains that Riverside County deputies have no obligation, and in fact no right, to prevent CRIT evictions. It is not a policy of Riverside County "allowing" CRIT to perform evictions, in fact, it is a matter of a federally recognized sovereign tribal government enforcing its own laws and ordinances within its jurisdiction.

I would ask you to again review the Whittlesey Memorandum and the letter from Mr. Lockwood to Antoinette Hawley. I would also ask you read Public Law 280 (PL83-280) in its entirety, rather than someone else's summary.

Hopefully by directing you to these legal points, it will help you understand the Riverside County Sheriff's Department is strictly adhering to Public Law 280 and has no jurisdiction when it comes to land disputes involving the tribes.

If I can be of further assistance, please do not hesitate to contact me.



Lyndon "Ray" Wood, Captain