

Stand Up For California!
“Citizens making a difference”

www.standupca.org

P.O. Box 355

March 1, 2011

Supervisor Rob Brown
Supervisor Anthony Farrington
Supervisor Jeff Smith
Supervisor Denise Rushing
Kelly Cox, County Administrative Officer
Anita Grant, County Counsel

RE: Flawed Cooperative Agreement between Lake County and Robinson Rancheria

Dear Honorable Supervisors, Administrator Cox and County Counsel Grant:

Stand Up For California supports local agreements that address the fiscal impacts of providing law enforcement services to Indian Country. This letter is to bring to your attention what we believe are serious flaws in the “Cooperative Agreement between the Robinson Rancheria Police Department and the Lake County District Attorney”, dated August 12, 2010. The terms of this agreement raise serious concerns of considerable significance both social and financial to the County of Lake. Accordingly, we are supplying you with the accompanying information, and suggest that you may be interested in pursuing a legal examination of the agreement. Moreover, undertaking actions that you feel are appropriate.

In 2010, Congress passed the new *Tribal Law and Order Act* providing significant changes and funding to tribal governments for the establishment of police departments on tribal lands. Additionally, there have been key United States Supreme Court rulings, Tribal State Compacts, Indian-specific state legislation accompanied by the explosive growth of tribal gaming. Each of these events has had a significant impact on tribes and the surrounding communities resulting in new challenges for law enforcement officers.

Stand Up For California is providing you a brief analysis of the August 12, 2010 Memorandum of Understanding between the District Attorney and the Tribe. Also, for your convenience, please find attached the Special Law Enforcement Commission authorization by the U. S. Department of the Interior. Please do not hesitate to call if I can be of further assistance.

Sincerely,



Cheryl A. Schmit
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Analysis of Lake County District Attorney MOU

Due to the recent Memorandum of Understanding (“MOU”) negotiated and signed by the former District Attorney in August of 2010 with the Robinson Rancheria, Lake County Officials need to closely examine and discuss the scope of authority and jurisdictional powers defined in that document. Additionally, County Officials must examine, discuss and overlay the scope of authority and jurisdictional powers of Special Law Enforcement Commissioned Officers (“SLEC”) working in Indian Country in the employment of the Robinson Rancheria within the jurisdiction of Lake County.

In particular, the discussion should examine the authority and jurisdiction of both State Peace Officers and Federally Commissioned SLEC Officers in: (1) enforcement of California State Penal Code in California Indian Country, (2) in patrolling Indian lands (3) service calls and arrests, (4) investigation powers and execution of search warrants, (5) how to proceed should it appear that tribal government is intentionally blocking access to evidence or sheltering suspects, and lastly, but far from least, the two related issues of (6) the rippling effect of casino crime on the surrounding community, (7) and specifically the limits of the SLEC Officer both on and off of the Rancheria.

In 2010, Congress passed the new Tribal Law and Order Act providing significant changes and funding to tribal governments for the establishment of police departments on tribal lands. Additionally, there have been key United States Supreme Court rulings, Tribal State Compacts, Indian-specific state legislation accompanied by the explosive growth of tribal gaming. Each of these events has had a significant impact on tribes and the surrounding communities resulting in new challenges for law enforcement officers.

Lake County Officials need to move forward with an examination of the described issues as the MOU with the Robinson Rancheria appears to have been negotiated and signed without a detailed and comprehensive study determining what is needed and what appropriate issues to negotiate are in such an agreement.¹ Indeed, it appears the County as well as individual SLEC Officers may be exposed to considerable liabilities. The MOU makes the County of Lake responsible for the actions of the SLEC Officers while enforcing federal and state laws on state lands. Yet the County of Lake is not able to vet or influence the hiring of a tribal SLEC Officers. Further, the training, policies and procedures of the County may be inconsistent or contrary to those of the Tribe.

¹ An example is the local agreement between the County of Yuba and the Enterprise Tribe. A component allowed law enforcement onto trust lands to arrest non-tribal criminals but restricted the Sheriff from arresting tribal members of criminal offences, an MOU component inconsistent with PL 280.

Local agreements may address the fiscal impacts of providing law enforcement services to Indian Country. However, resolution of the gray areas of Public Law 280 may require a negotiated State-Tribal Cooperative Agreement. These gray areas may require a formal agreement between the state and tribal governments to establish an enforceable protocol of the gray areas of Public Law 280, such as determining probable cause, criminal trespass and execution of search warrants on what is arguably tribal property. With the increased number of Indian Casinos, Lake County must consider the explosive growth in casino gambling, tribal and non-tribal public interaction, and the role of tribal law enforcement agencies, both in Indian Country, on state and county roads and “on highways” to and from the casinos.

Pursuant to Public Law 280, it is without dispute that California’s criminal prohibitory law is fully enforceable in Indian Country granting California Sheriffs both the authority and the obligation to protect Indian and non-Indians alike from criminals on California’s Reservation and Rancherias. At the same time, California Indian governments have a unique federal status that presents a number of gray areas to members of law enforcement in the exercise of this obligation. Further complicating jurisdictional issues is the introduction of the federally commissioned SLEC Officers. What is the scope and limitations of these Officer’s Commissions?

There clearly needs to be channels of communication, cooperation, education and most importantly, the development of mutually agreed-upon protocols, enshrined in enforceable agreements, for the safety of all Californians. The most recent effort by former Lake County District Attorney in the development of a MOU is a good beginning, but does not clarify the authority or jurisdiction of State Peace Officers under Public Law 280, the police powers of the State of California or the limited authority of SLEC Officers. Moreover, it does not address the recent changes passed by Congress in 2010. For example: the MOU states in Recital #5:

As federal law enforcement officers, the Agency’s SLEC Officers have the authority, pursuant to the California Penal Code Section 830.8, to make arrests, under the certain circumstances for violations of California’s criminal laws.

This Recital appears to be in violation of the directions of Congress. The SLEC Commission specifically limits the authority of an SLEC officer to enforcement of Indian Law and a limited scope of federal laws within Indian Country. In a letter dated January 5, 2011, from the United States Department of the Interior, Special Agent in Charge- Selanhongva McDonald, plainly states:

“The Special Law Enforcement Commission that Chief Mendoza possesses authorizes the commissioned officer only to enforce federal laws within the exterior boundaries of the reservation. Since it appears Chief Mendoza was neither enforcing federal law nor within the exterior boundaries of the reservation, he was acting outside the scope of the commission and thus not within the confines of our limited oversight.”

SLEC Officers lack the authority pursuant to the California Penal Code Section 830.8 to make arrests, under the certain circumstances for violations of California criminal laws as described.

The SLEC has limited authority to enforce federal laws only within the exterior boundaries of the reservation.

Recital #6 of the MOU repeats: The Department of the Interior recognizes that Agency Officers have the authority to enforce all federal and tribal laws applicable to Indian Country and as authorized by Deputation Agreement, pursuant to the Indian Law Reform Act, 25 U.S.C. 2801 et. seq. and to exercise powers of arrest and make arrests for violation of the criminal laws of the State of California pursuant to and subject to the limitations set forth in California Penal Code Section 830.8.

The SLEC Commission plainly states:

“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”. (4-04 special law Enforcement Commissions D -2)

Thus, the MOU recites authority and jurisdiction beyond the scope of the SLEC Commission itself. If the Deputation Agreement cannot grant powers beyond its own terms and conditions (i.e. enforcement of only tribal and federal law), then the MOU cannot expand upon its authority by reference to California Penal Code section 830.8. Additionally, the Commission requires review and approval by applicant law enforcement agencies. Moreover, that all affected applicant agencies have written and put in place law enforcement policies and procedures. Without review, approval and written policies and procedures in place both the County of Lake and the individual SLEC officers are in potential liability with the County of Lake carrying the greatest burden.

This MOU exposes the Lake County and the scarce taxpayer dollars in the general fund to unintended consequences and liability in the event there is personal injury caused by high speed chase, wrongful shooting, wrongful death or a violation of an individual's Constitutionally guaranteed civil rights.

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

Revised:

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.



BIA-OFFICE OF JUSTICE SERVICES
LAW ENFORCEMENT HANDBOOK



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

Revised:

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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Effective: 07/01/2008
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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.



BIA-OFFICE OF JUSTICE SERVICES
LAW ENFORCEMENT HANDBOOK



Effective: 07/01/2008
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Revised:

- 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



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.

The applicant requests a permit to take (collect) the American burying beetle (*Nicrophorus americanus*) in Missouri. The scientific research is aimed at enhancement of survival of the species in the wild.

Dated: January 28, 2004.

Lynn M. Lewis,

Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 04-2780 Filed 2-9-04; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Internal Law Enforcement Services Policies

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes internal policies on Cross-Deputation Agreements, Memoranda of Understanding, Memoranda of Agreement, and Special Law Enforcement Commission Deputation Agreements. These policies apply to all Cross-Deputation Agreements, Memoranda of Understanding, Memoranda of Agreement, and Special Law Enforcement Commission Deputation Agreements.

DATES: These policies are effective February 10, 2004.

FOR FURTHER INFORMATION CONTACT: Peter Maybee, Executive Officer, Bureau of Indian Affairs, Law Enforcement Services Washington, DC Liaison Office, 1849 C Street, NW., Washington, DC 20240; Telephone No. (202) 208-4844.

SUPPLEMENTARY INFORMATION:

Introduction

This notice is published in the exercise of authority under the Indian Law Enforcement Reform Act, 25 U.S.C. 2801 *et seq.*, 5 U.S.C. 552(a), 5 U.S.C. 301, 25 U.S.C. 2 and 9, 43 U.S.C. 1457, and under the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.

To clarify the existing policies of the Bureau of Indian Affairs (BIA) Law Enforcement Services (OLES) regarding the authority and obligations of parties to Memoranda of Agreement (MOAs), Memoranda of Understanding (MOUs), Cross Deputation Agreements (CDAs), and in particular, Special Law Enforcement Commission (SLECs) Deputation Agreements, the Assistant Secretary—Indian Affairs (AS-IA) is publishing these policies. Questions

regarding the current policies have been raised by Federal, tribal, and local law enforcement; therefore, the AS-IA is making these policies public so the public may have a clearer understanding of the policies which have governed all these types of agreements.

An agency may clarify its policies, procedures, and implementation of its own regulations where these clarifications do not contradict or alter the regulations. These clarified policies do not change the law enforcement regulations. Rather, these clarifications restate to outside parties what has been and continues to be the practice and understanding of the BIA regarding such agreements. This Federal Register notice is to advise all parties to Indian country law enforcement agreements, as well as all other interested persons and organizations, of the BIA's policies, understandings, and expectations related to these agreements, though the issues raised here may not be exhaustive.

The Federal Government has an interest in promoting strong tribal governments with the ability to protect the health and welfare of their members. Inherent in this relationship is strong and effective law enforcement in Indian country. Due to variations in state policies, paired with Indian country crime rates well above the national average, there is a public health and safety need in Indian country that must be addressed. Another issue over the years has been lack of jurisdictional clarity, making state and local officials reluctant to either arrest or prosecute in Indian country. This lack of prosecution in Indian country has compounded the problem.

Under the Indian Law Enforcement Reform Act, 25 U.S.C. 2801-2809, and the corresponding regulations at 25 CFR part 12, the Secretary of the Interior, acting through BIA, is charged with providing, or assisting in the provision of, law enforcement in Indian country. This is true nationwide—throughout Indian country and in the areas near and adjacent to Indian country. To increase the effectiveness of law enforcement in Indian country, the authority and status of law enforcement officers, relationships among and between law enforcement departments, as well as potential liability and liability coverage, must be clear. Law enforcement officers are expected to appear a certain way, use certain equipment, and drive certain vehicles both for the safety of the officers and for the safety of the public. The BIA's internal policies prescribe all of these standards and recognize that officers maintain their status when they

are outside Indian country. The BIA's policy makes clear that although officers will not as a rule conduct investigations or make arrests outside Indian country, they maintain their law enforcement officers' responsibilities and certain authorities irrespective of whether they are located in Indian country.

To assist the AS-IA in fulfilling the BIA's duties to provide law enforcement in Indian country and to make clear important policies and working relationships, the BIA OLES enters into MOAs, MOUs, CDAs, and SLEC agreements (pursuant to which it grants special law enforcement commissions to tribal and local law enforcement officers). SLECs support the sovereignty of tribes by allowing tribal law enforcement officers to enforce Federal law, to investigate Federal crimes, and to protect the rights of people in Indian country, particularly against crimes perpetrated by non-Indians against tribal members. Without such commissions, tribal law enforcement in many jurisdictions is limited to restraining these perpetrators until a county, State, or Federal officer arrives. It is common for tribes to have difficulty getting local or State law enforcement to respond to crimes on the reservations. For example, it is difficult to get local law enforcement to respond to domestic violence calls and illegal disposal activities in Indian country. As a result, there is a critical void in law enforcement in Indian country that these SLECs fill.

Due to the nature of law enforcement in Indian country, SLEC officers will often have to respond to calls where it is unclear initially whether they are responding in their Federal or tribal capacity. The Federal Government has an interest in ensuring that Federal and federally commissioned officers are able to respond to calls immediately and with all of the necessary and recommended law enforcement tools. The Federal Government and the Department also have an interest in promoting strong tribal governments capable of effectively carrying out law enforcement in Indian country. The Government further has an interest in ensuring the tribes' sovereign rights to do so are respected and the boundaries of Indian country do not impede officers' travel, use of marked vehicles, emergency response, and other incidental aspects of their Indian country policing authority.

To ensure the SLEC tribal officers are fully qualified to enforce Federal law and to perform functions which would otherwise be performed by BIA officers, the BIA has established certain minimum standards and certification

requirements for potential officers. The BIA OLES conditions officer commissions on meeting these requirements. The Chief of Police of a tribe must perform an FBI criminal history check on each officer and certify the officers are both full-time employees with a law enforcement program and certified through either the State or the BIA. If an officer is not yet certified by one of the two entities, the BIA provides training before commissioning an officer. These officers must also meet other requirements such as firearms certification and maintaining a record free of any felonies. The SLECs expire after 3 years, when the Chief of Police must recertify the qualifications of the officers, and the officers must reapply for SLECs.

For SLEC officers to be used effectively to fill this void, it is important that all parties involved in Indian country law enforcement have a clear understanding of each of their roles and expectations. The BIA expects that, first, liability coverage under the Federal Tort Claims Settlement Act (FTCA) may be available to officers carrying Federal SLECs, but the Department of Justice makes all determinations on FTCA coverage on a case-by-case, factual basis, and their decisions are final. Second, because coordination is the foundation on which effective Indian country law enforcement is based, the BIA encourages full and open coordination between and among relevant tribal, local, and Federal law enforcement, and any relevant task forces or other similar organizations. Whenever possible the BIA encourages the relevant parties to enter agreements governing these cooperative relationships. The BIA will work with any parties to help accomplish this goal. There must also be coordination and communication among law enforcement entities, including local United States Attorney's offices, on Federal policing and prosecutorial practices and on particular cases and prosecutions where appropriate. Finally, the BIA expects that tribes and local law enforcement will maintain appropriate training and policies to ensure that their officers will be able to maintain the appropriate level of training and are otherwise prepared to perform their duties as SLEC officers. The BIA will also assist law enforcement organizations in developing these policies and training standards.

By clarifying the BIA's understandings and expectations of agencies participating in Indian country law enforcement, it is the AS-IA's intent to provide a strong basis on which to

build and strengthen these essential relationships. With strong relationships and communication, the BIA and tribal, local, and other Federal law enforcement can better meet the law enforcement, public health, and safety needs of people in Indian country.

Dated: January 22, 2004.

Aurene M. Martin,

Principal Deputy Assistant Secretary—Indian Affairs.

[FR Doc. 04-2842 Filed 2-9-04; 8:45 am]

BILLING CODE 4310-G6-J

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR-090-5882-PH-EE01; HAG 04-0081]

Notice of Meeting

AGENCY: Bureau of Land Management, Interior.

ACTION: Meeting notice for the Eugene District, Bureau of Land Management (BLM) Resources Advisory Committees under Section 205 of the Secure Rural Schools and Community Self Determination Act of 2000 (Pub. 106-393).

SUMMARY: This notice is published in accordance with Section 10(a)(2) of the Federal Advisory Committee Act. Meeting notice is hereby given for the Eugene District BLM Resources Advisory Committee pursuant to Section 205 of the Secure Rural Schools and Community Self Determination Act of 2000, Public Law 106-393 (the Act). Topics to be discussed by the BLM Resource Advisory Committee include selection of a chairperson, public forum and proposed projects for funding in "Round 4, FY 05" under Title II of the Act.

DATES: The BLM Resource Advisory Committees will meet on the following dates: The Eugene Resource Advisory Committee will meet at the BLM Eugene District Office, 2890 Chad Drive, Eugene, Oregon 97440, 9 a.m. to 4:30 p.m. on May 20, 2004 and 9 a.m. to 4:30 p.m., on June 10, 2004. The public forum will be held from 12:30-1 pm on both days.

SUPPLEMENTARY INFORMATION: Pursuant to the Act, five Resource Advisory Committees have been formed for western Oregon BLM districts that contain Oregon & California (U&C) Grant Lands and Coos Bay Wagon Road lands. The Act establishes a six year payment schedule to local counties in lieu of funds derived from the harvest of timber on Federal lands, which have

dropped dramatically over the past 10 years.

The Act creates a new mechanism for local community collaboration with Federal land management activities in the selection of projects to be conducted on federal lands or that will benefit resources on federal lands using funds under Title II of the Act. The BLM Resource Advisory Committees consist of 15 local citizens (plus 6 alternates) representing a wide array of interests.

FOR FURTHER INFORMATION CONTACT: Additional information concerning the BLM Resource Advisory Committees may be obtained from Wayne Elliott, Designated Federal Official, Eugene District Office, P.O. Box 10226, Eugene, Oregon 97440, (541) 683-6600, or wayne_elliott@or.blm.gov.

Dated: February 3, 2004.

Julia Dougan,

Eugene District Manager.

[FR Doc. 04-2781 Filed 2-9-04; 8:45 am]

BILLING CODE 4310-33-M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AK-932-1410-ET; F-14838]

Public Land Order No. 7595; Withdrawal of Public Lands for Bethel Village Selection; Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Public land order.

SUMMARY: This order withdraws approximately 61,139 acres of public lands located within and outside of the Yukon Delta National Wildlife Refuge from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, pursuant to section 22(j)(2) of the Alaska Native Claims Settlement Act. This action also reserves the lands for selection by the Bethel Native Corporation, the village corporation for Bethel. This withdrawal is for a period of 120 days; however, any lands selected shall remain withdrawn by the order until they are conveyed. Any lands described herein that are not selected by the corporation will remain withdrawn as part of the Yukon Delta National Wildlife Refuge, pursuant to the Alaska National Interest Lands Conservation Act, and will be subject to the terms and conditions of any other withdrawal or segregation of record.

EFFECTIVE DATE: February 10, 2004.

FOR FURTHER INFORMATION CONTACT: Robbie J. Havens, Bureau of Land Management, Alaska State Office, 222