



CALIFORNIA INDIAN LEGAL SERVICES

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RELEASE OF THE TRIBAL LAW AND ORDER COMMISSION'S REPORT "A Roadmap to Making America Native Safer"

Dear Tribal Leaders and Tribal Members;

The Tribal Law and Order Commission has released its 2013 report entitled "A Roadmap to Making America Native Safer." Preparation of the report is required under the Tribal Law and Order Act of 2010, Public Law 111-211 (TLOA). The report sets forth a number of recommendations that speak to many of the tribal law enforcement funding issues faced by California tribes and other tribes in Public Law 280. The following are some of the more relevant recommendations:

1. Congress should eliminate the Office of Justice Services (OJS) within the Department of the Interior Bureau of Indian Affairs, consolidate all OJS criminal justice programs and all U.S. Department of Justice Indian country programs and services into a single "Indian country component" in the U.S. Department of Justice.
2. Congress and the executive branch should direct sufficient funds to Indian country law enforcement to bring Indian country's coverage numbers into parity with the rest of the United States.
3. Tribes would be allowed to opt out immediately, fully or partially, of Federal Indian country criminal jurisdiction and/or congressionally authorized State jurisdiction, except for Federal laws of general application.
4. Congress should establish a new Federal Circuit Court, the United States Court of Indian Appeal.
5. Funding should be made equally available to:

a) Tribes whose lands are under Federal criminal jurisdiction and those whose lands are under State jurisdiction through P.L. 83-280;

b) Tribes that contract or compact under P.L. 93-638 and its amendments *or not*; and

c) Tribes that do or do not opt out (in full or in part) from Federal or State criminal jurisdiction

6. To generate accurate crime reports for Indian country, especially in Tribal areas subject to P.L. 83-280, Congress should amend the Federal Bureau of Investigation (FBI) Criminal Justice Information Services reporting requirements for State and local law enforcement agencies' crime data to include information about the location at which a crime occurred and on victims' and offenders' Indian status.

7. Create a federally subsidized insurance pool or similar affordable arrangement for tort liability for Tribes seeking to enter into a deputation agreement for the enforcement of State law by Tribal police;

8. For Tribal officers using a SLEC, amend the Federal Tort Claims Act to include unequivocal coverage (subject to all other legally established guidelines concerning allowable claims under the Act), not subject to the discretion of a U.S. Attorney or other Federal official;

The report can be found at <https://www.indianlawandordercommission.com/report/>. If you have further questions please contact Dorothy Alther, Executive Director, 760-746-8941 ext. 122 or dalther@calindian.org