

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this Act”, meaning Pub. L. 100-497, Oct. 17, 1988, 102 Stat. 2467, known as the Indian Gaming Regulatory Act, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title note set out under section 2701 of this title and Tables.

CHAPTER 30—INDIAN LAW ENFORCEMENT REFORM

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§ 2801. Definitions

For purposes of this chapter—

(1) The term “Branch of Criminal Investigations” means the entity the Secretary is required to establish within the Office of Justice Services under section 2802(d)(1) of this title.

(2) The term “Bureau” means the Bureau of Indian Affairs of the Department of the Interior.

(3) The term “employee of the Bureau” includes an officer of the Bureau.

(4) The term “enforcement of a law” includes the prevention, detection, and investigation of an offense and the detention or confinement of an offender.

(5) The term “Indian country” has the meaning given that term in section 1151 of title 18.

(6) The term “Indian tribe” has the meaning given that term in section 1301 of this title.

(7) The term “offense” means an offense against the United States and includes a violation of a Federal regulation relating to part or all of Indian country.

(8) The term “Secretary” means the Secretary of the Interior.

(10)¹ The term “tribal justice official” means—

(A) a tribal prosecutor;

(B) a tribal law enforcement officer; or

(C) any other person responsible for investigating or prosecuting an alleged criminal offense in tribal court.

(Pub. L. 101-379, § 2, Aug. 18, 1990, 104 Stat. 473; Pub. L. 111-211, title II, §§ 203(b), 211(a), July 29, 2010, 124 Stat. 2263, 2264.)

AMENDMENTS

2010—Pub. L. 111-211, § 211(a), redesignated and reordered pars. (9) and (1) to (7) as (1) to (8), respectively, substituted “Office of Justice Services” for “Division

of Law Enforcement Services” in par. (1), and struck out former par. (8) which read as follows: “The term ‘Division of Law Enforcement Services’ means the entity established within the Bureau under section 2802(b) of this title.”

Par. (10). Pub. L. 111-211, § 203(b), added par. (10).

SHORT TITLE OF 2010 AMENDMENT

Pub. L. 111-211, title II, § 201(a), July 29, 2010, 124 Stat. 2261, provided that: “This title [enacting part G (§ 458ccc et seq.) of subchapter II of chapter 14 of this title and sections 2810 to 2815, 3665a, and 3682 of this title, redesignating part F (§ 458bbb et seq.) of subchapter II of chapter 14 of this title as part H (§ 458ddd et seq.), amending this section and sections 458ddd-1, 458ddd-2, 1302, 1321, 2411 to 2413, 2414a, 2415, 2431 to 2433, 2441, 2442, 2451, 2453, 2802 to 2804, 2809, 3613, 3621, 3653, 3662, 3663, 3666, and 3681 of this title, sections 841, 845, 1162, 4042, and 4352 of Title 18, Crimes and Criminal Procedure, sections 872, 872a, 873, and 878 of Title 21, Food and Drugs, sections 534 and 543 of Title 28, Judiciary and Judicial Procedure, and sections 2996f, 3732, 3796h, 3796dd, 5616, 5783, and 13709 of Title 42, The Public Health and Welfare, enacting provisions set out as notes under this section and section 1302 of this title, section 872 of Title 21, section 534 of Title 28, and sections 3732, 3796h, 3796dd, and 14044 of Title 42, amending provisions set out as a note under section 534 of Title 28, and repealing provisions set out as a note under section 3651 of this title] may be cited as the ‘Tribal Law and Order Act of 2010.’”

SHORT TITLE

Pub. L. 101-379, § 1, Aug. 18, 1990, 104 Stat. 473, provided that: “This Act [enacting this chapter and provisions set out as a note under section 2991a of Title 42, The Public Health and Welfare] may be cited as the ‘Indian Law Enforcement Reform Act.’”

SEVERABILITY

Pub. L. 111-211, title II, § 204, July 29, 2010, 124 Stat. 2263, provided that: “If any provision of this title [see Short Title of 2010 Amendment note above], an amendment made by this title, or the application of such a provision or amendment to any individual, entity, or circumstance, is determined by a court of competent jurisdiction to be invalid, the remaining provisions of this title, the remaining amendments made by this title, and the application of those provisions and amendments to individuals, entities, or circumstances other than the affected individual, entity, or circumstance shall not be affected.”

FINDINGS; PURPOSES

Pub. L. 111-211, title II, § 202, July 29, 2010, 124 Stat. 2262, provided that:

“(a) FINDINGS.—Congress finds that—

“(1) the United States has distinct legal, treaty, and trust obligations to provide for the public safety of Indian country;

“(2) Congress and the President have acknowledged that—

“(A) tribal law enforcement officers are often the first responders to crimes on Indian reservations; and

“(B) tribal justice systems are often the most appropriate institutions for maintaining law and order in Indian country;

“(3) less than 3,000 tribal and Federal law enforcement officers patrol more than 56,000,000 acres of Indian country, which reflects less than ½ of the law enforcement presence in comparable rural communities nationwide;

“(4) the complicated jurisdictional scheme that exists in Indian country—

“(A) has a significant negative impact on the ability to provide public safety to Indian communities;

“(B) has been increasingly exploited by criminals; and

¹ So in original. There is no par. (9).

“(C) requires a high degree of commitment and cooperation among tribal, Federal, and State law enforcement officials;

“(5)(A) domestic and sexual violence against American Indian and Alaska Native women has reached epidemic proportions;

“(B) 34 percent of American Indian and Alaska Native women will be raped in their lifetimes; and

“(C) 39 percent of American Indian and Alaska Native women will be subject to domestic violence;

“(6) Indian tribes have faced significant increases in instances of domestic violence, burglary, assault, and child abuse as a direct result of increased methamphetamine use on Indian reservations; and

“(7) crime data is a fundamental tool of law enforcement, but for decades the Bureau of Indian Affairs and the Department of Justice have not been able to coordinate or consistently report crime and prosecution rates in tribal communities.

“(b) PURPOSES.—The purposes of this title [see Short Title of 2010 Amendment note above] are—

“(1) to clarify the responsibilities of Federal, State, tribal, and local governments with respect to crimes committed in Indian country;

“(2) to increase coordination and communication among Federal, State, tribal, and local law enforcement agencies;

“(3) to empower tribal governments with the authority, resources, and information necessary to safely and effectively provide public safety in Indian country;

“(4) to reduce the prevalence of violent crime in Indian country and to combat sexual and domestic violence against American Indian and Alaska Native women;

“(5) to prevent drug trafficking and reduce rates of alcohol and drug addiction in Indian country; and

“(6) to increase and standardize the collection of criminal data and the sharing of criminal history information among Federal, State, and tribal officials responsible for responding to and investigating crimes in Indian country.”

JURISDICTION OF THE STATE OF ALASKA

Pub. L. 111-211, title II, §205, July 29, 2010, 124 Stat. 2264, provided that: “Nothing in this Act [see Tables for classification] limits, alters, expands, or diminishes the civil or criminal jurisdiction of the State of Alaska, any subdivision of the State of Alaska, or any Indian tribe in that State.”

CRIMINAL JURISDICTION OVER NON-INDIANS

Pub. L. 111-211, title II, §206, July 29, 2010, 124 Stat. 2264, provided that: “Nothing in this Act [see Tables for classification] confers on an Indian tribe criminal jurisdiction over non-Indians.”

DEFINITIONS

Pub. L. 111-211, title II, §203(a), July 29, 2010, 124 Stat. 2263, provided that: “In this title [see Short Title of 2010 Amendment note above]:

“(1) INDIAN COUNTRY.—The term ‘Indian country’ has the meaning given the term in section 1151 of title 18, United States Code.

“(2) INDIAN TRIBE.—The term ‘Indian tribe’ has the meaning given the term in section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

“(3) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(4) TRIBAL GOVERNMENT.—The term ‘tribal government’ means the governing body of a federally recognized Indian tribe.”

§ 2802. Indian law enforcement responsibilities

(a) Responsibility of Secretary

The Secretary, acting through the Bureau, shall be responsible for providing, or for assist-

ing in the provision of, law enforcement services in Indian country as provided in this chapter.

(b) Office of Justice Services

There is established in the Bureau an office, to be known as the “Office of Justice Services”, that, under the supervision of the Secretary, or an individual designated by the Secretary, shall be responsible for—

(1) carrying out the law enforcement functions of the Secretary in Indian country, and

(2) implementing the provisions of this section.

(c) Additional responsibilities of Division

Subject to the provisions of this chapter and other applicable Federal or tribal laws, the responsibilities of the Office of Justice Services in Indian country shall include—

(1) the enforcement of Federal law and, with the consent of the Indian tribe, tribal law;

(2) in cooperation with appropriate Federal and tribal law enforcement agencies, the investigation of offenses against criminal laws of the United States;

(3) the protection of life and property;

(4) the development of methods and expertise to resolve conflicts and solve crimes;

(5) the provision of criminal justice remedial actions, correctional and detention services, and rehabilitation;

(6) the reduction of recidivism and adverse social effects;

(7) the development of preventive and outreach programs which will enhance the public conception of law enforcement responsibilities through training and development of needed public service skills;

(8) the assessment and evaluation of program accomplishments in reducing crime;

(9) the development and provision of law enforcement training and technical assistance, including training to properly interview victims of domestic and sexual violence and to collect, preserve, and present evidence to Federal and tribal prosecutors to increase the conviction rate for domestic and sexual violence offenses for purposes of addressing and preventing domestic and sexual violent offenses;

(10) the development and provision of dispatch and emergency and E-911 services;

(11) communicating with tribal leaders, tribal community and victims’ advocates, tribal justice officials, indigent defense representatives, and residents of Indian country on a regular basis regarding public safety and justice concerns facing tribal communities;

(12) conducting meaningful and timely consultation with tribal leaders and tribal justice officials in the development of regulatory policies and other actions that affect public safety and justice in Indian country;

(13) providing technical assistance and training to tribal law enforcement officials to gain access and input authority to utilize the National Criminal Information Center and other national crime information databases pursuant to section 534 of title 28;

(14) in coordination with the Attorney General pursuant to subsection (g) of section 3732 of title 42, collecting, analyzing, and reporting