

DATA AND REPORTS REQUIRED BY THE TRIBAL LAW AND ORDER ACT OF 2010, P.L. 111-211

1. The Director of the Office of Justice Services, Bureau of Indian Affairs (BIA), U.S. Department of Interior, in coordination with the Attorney General must submit an annual report to Congress describing Indian country crime data collected and analyzed.

SEC. 211. (b)(2)(D) [(14) The Director of the BIA Office of Justice Services] “in coordination with the Attorney General pursuant to subsection (g) of section 302 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3732) collecting, analyzing, and reporting data regarding Indian country crimes on an annual basis;”

2. The BIA Office of Justice Services must annually share all crime data received from Tribal law enforcement agencies, including Uniform Crime Reports, with the Department of Justice.

SEC. 211. (b)(2)(D) [(15) BIA Office of Justice Services] “on an annual basis, sharing with the Department of Justice all relevant crime data, including Uniform Crime Reports, that the Office of Justice Services prepares and receives from tribal law enforcement agencies on a tribe-by-tribe basis to ensure that individual tribal governments providing data are eligible for programs offered by the Department of Justice;”

3. The BIA Office of Justice Services must submit an annual report on Tribal public safety and justice programs, including number of personnel and detailed spending, to the appropriate congressional committees.

SEC. 211. (b)(2)(D) [(16) BIA Office of Justice Services]“submitting to the appropriate committees of Congress, for each fiscal year, a detailed spending report regarding tribal public safety and justice programs that includes—

(A)(i) the number of full-time employees of the Bureau and tribal governments who serve as—

(I) criminal investigators;

(II) uniform police;

(III) police and emergency dispatchers;

(IV) detention officers;

(V) executive personnel, including special agents in charge, and directors and deputies of various offices in the Office of Justice Services; and

(VI) tribal court judges, prosecutors, public defenders, appointed defense counsel, or related staff; and

(ii) the amount of appropriations obligated for each category described in clause (i) for each fiscal year;

(B) a list of amounts dedicated to law enforcement and corrections, vehicles, related transportation costs, equipment, inmate transportation costs, inmate transfer costs, replacement, improvement, and repair of facilities, personnel transfers, detailees and costs related to their details, emergency events, public safety and justice communications and technology costs, and tribal court personnel, facilities, indigent defense, and related program costs;

(C) a list of the unmet staffing needs of law enforcement, corrections, and court personnel (including indigent defense and prosecution staff) at tribal and Bureau of Indian Affairs justice agencies, the replacement and repair needs of tribal and Bureau corrections facilities, needs for tribal police and court facilities, and public safety and emergency communications and technology needs; and

(D) the formula, priority list or other methodology used to determine the method of disbursement of funds for the public safety and justice programs administered by the Office of Justice Services;”

4. The BIA Office of Justice Services must submit an annual report to the appropriate congressional committees describing the technical assistance, training, and other support provided to Tribal law enforcement and corrections agencies with self-determination contracts or self-governance compacts with the Secretary of the Interior.

SEC. 211. (b)(2)(D) [(17) BIA Office of Justice Services] “submitting to the appropriate committees of Congress, for each fiscal year, a report summarizing the technical assistance, training, and other support provided to tribal law enforcement and corrections agencies that operate relevant programs pursuant to self-determination contracts or self-governance compacts with the Secretary [of the Interior];”

5. Within one year of the law’s enactment, in coordination with the Department of Justice, the Secretary of the Interior must submit to Congress a long-term plan for addressing incarceration in Indian country.

SEC. 211. (b)(5) [(f)]“LONG-TERM PLAN FOR TRIBAL DETENTION PROGRAMS.—Not later than 1 year after the date of enactment of this subsection, the Secretary [of the Interior], acting through the Bureau [of Indian Affairs], in coordination with the Department of Justice and in consultation with tribal leaders, tribal courts, tribal law enforcement officers, and tribal corrections officials, shall submit to Congress a long-term plan to address incarceration in Indian country, including—

- (1) a description of proposed activities for—
 - (A) the construction, operation, and maintenance of juvenile (in accordance with section 4220(a)(3) of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 (25 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;
 - (B) contracting with State and local detention centers, upon approval of affected tribal governments; and
 - (C) alternatives to incarceration, developed in cooperation with tribal court systems;
- (2) an assessment and consideration of the construction of Federal detention facilities in Indian country; and
- (3) any other alternatives as the Secretary, in coordination with the Attorney General and in consultation with Indian tribes, determines to be necessary.”

6. The FBI must create an annual report by field division on decisions not to refer investigations in Indian country for prosecution.

SEC. 212. [(a)(2)] “INVESTIGATION DATA.—The Federal Bureau of Investigation shall compile, on an annual basis and by Field Division, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged crime in Indian country, including—

- (A) the types of crimes alleged;
- (B) the statuses of the accused as Indians or non-Indians;
- (C) the statuses of the victims as Indians or non-Indians; and
- (D) the reasons for deciding against referring the investigation for prosecution.”

7. United States Attorneys who decline to prosecute alleged Federal crimes in Indian country must submit an annual declination report by Federal judicial district to the Native American Issues Coordinator at the Executive Office of the United States Attorneys.

SEC. 212. [(a)(4)] “PROSECUTION DATA.—The United States Attorney shall submit to the Native American Issues Coordinator to compile, on an annual basis and by Federal judicial district, information regarding all declinations of alleged violations of Federal criminal law that occurred in Indian country that were referred for prosecution by law enforcement agencies, including—

- (A) the types of crimes alleged;
- (B) the statuses of the accused as Indians or non-Indians;
- (C) the statuses of the victims as Indians or non-Indians; and
- (D) the reasons for deciding to decline or terminate the prosecutions.”

8. The Attorney General must submit an annual report to Congress on decisions not to refer investigations for prosecution and decisions to decline to prosecute cases in Indian country. [See numbers 6 and 7 above.]

SEC. 212. [(b)] “ANNUAL REPORTS.—The Attorney General shall submit to Congress annual reports containing, with respect to the applicable calendar year, the information compiled under paragraphs (2) and (4) of subsection (a)

- (1) organized—
 - (A) in the aggregate; and
 - (B)(i) for the Federal Bureau of Investigation, by Field Division; and
 - (ii) for United States Attorneys, by Federal judicial district; and
- (2) including any relevant explanatory statements.”

9. In coordination with the Secretary of the Interior, the Attorney General must submit a report within 4 years of the law’s enactment to the appropriate congressional committees on the effectiveness of the Tribal court sentencing authority.

SEC. 234.(b) “REPORT.—Not later than 4 years after the date of enactment of this Act, the Attorney General, in coordination with the Secretary of the Interior, shall submit a report to the appropriate committees of Congress that includes—

- (1) a description of the effectiveness of enhanced tribal court sentencing authority in curtailing violence and improving the administration of justice on Indian lands; and
- (2) a recommendation of whether enhanced sentencing authority

should be discontinued, enhanced, or maintained at the level authorized under this title.”

10. The Attorney General must submit a report to Congress on the Bureau of Prisons Tribal Prisoner Pilot Program within 3 years of the program’s start.

SEC.234. (c) (5) “REPORT.—Not later than 3 years after the date of establishment of the [Bureau Of Prisons Tribal Prisoner Pilot Program], the Attorney General shall submit to Congress a report describing the status of the program, including recommendations regarding the future of the program, if any.”

11. The Indian Law and Order Commission must submit its findings, conclusions, and recommendations within 2 years of the law’s enactment.

SEC. 235. “(f) REPORT.—Not later than 2 years after the date of enactment of this Act, the [Indian Law and Order] Commission shall submit to the President and Congress a report that contains—

- (1) a detailed statement of the findings and conclusions of the Commission; and
- (2) the recommendations of the Commission for such legislative and administrative actions as the Commission considers to be appropriate.”

12. The Secretary of the Interior, Attorney General, and Secretary of Health and Human Services must create a Memorandum of Agreement and submit it to Congress within 1 year of the law’s enactment. The Secretary of the Interior must provide a copy to Tribes after it has been entered into the *Federal Register*.

The relevant section of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 [25 U.S.C. 2411] now reads:

- (a) “IN GENERAL.—*Not later than 1 year July 29, 2010*, the Secretary of the Interior, the *Attorney General*, and the Secretary of Health and Human Services shall develop and enter into a Memorandum of Agreement which shall, among other things—
 - (7) provide for an annual review of such agreements by the Secretary of the Interior, the *Attorney General*, and the Secretary of Health and Human Services.
- (d) Publication.—The Memorandum of Agreement under subsection (a) shall be submitted to Congress and published in the Federal Register not later than 130 days after July 29, 2010. At the same time as publication in the Federal Register, the Secretary of the Interior shall provide a copy of this subtitle and the Memorandum

of Agreement under subsection (a) to each Indian tribe [emphasis added].”

13. The Secretary of Interior, Attorney General, and the Secretary of Health and Human Services, in cooperation with the Secretary of Education, must review health services including mental health and substance abuse services for Indian families and children for the Memorandum of Understanding and must submit their review to each Tribe.

The relevant section of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 now reads:

2141a(a) “In general—In the development of the Memorandum of Agreement required by section 4502 (a) of this title, the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services shall review and consider—

- (1) the various programs established by Federal law providing health services and benefits to Indian tribes, including those relating to mental health and alcohol and substance abuse prevention and treatment,
- (2) tribal, State and local, and private health resources and programs,
- (3) where facilities to provide such treatment are or should be located, and
- (4) the effectiveness of public and private alcohol and substance abuse treatment programs in operation on October 27, 1986,

to determine their applicability and relevance in carrying out the purposes of this chapter.

(b) Dissemination

The results of the review conducted under subsection (a) of this section shall be provided to every Indian tribe as soon as possible for their consideration and use in the development or modification of a Tribal Action Plan.”

14. The Secretary of Interior, Attorney General, and the Secretary of Health and Human Services, in cooperation with the Secretary of Education, must review education programs and social services for Indian families and children for the Memorandum of Understanding and must submit their review to each Tribe.

The relevant section of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 now reads:

2431“In the development of the Memorandum of Agreement required by section 2411 of this title, the Secretary of the Interior, the Attorney General, and the Secretary of Health and Human Services, in cooperation with the Secretary of Education shall review and consider—

- (1) Federal programs providing education services or benefits to Indian children,
 - (2) tribal, State, local, and private educational resources and programs,
 - (3) Federal programs providing family and social services and benefits for Indian families and children,
 - (4) Federal programs relating to youth employment, recreation, cultural, and community activities, and
 - (5) tribal, State, local, and private resources for programs similar to those cited in paragraphs (3) and (4),
- to determine their applicability and relevance in carrying out the purposes of this subtitle.
- (b) Publication.—The results of the review conducted under subsection (a) of this title shall be provided to each Indian tribe as soon as possible for their consideration and use in the development or modification of a Tribal Action Plan under section 2412 of this title.”

15. The Secretary of Interior, Attorney General, and the Secretary of Health and Human Services, in cooperation with the Secretary of Education, must review Tribal law enforcement and justice programs for the Memorandum of Understanding and must submit their review to each Tribe.

The relevant section of the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986 now reads:

2441(a) “In the development of the Memorandum of Agreement required by section 2411 of this title, the Secretary of the Interior, the *Attorney General*, and the Secretary of Health and Human Services, in cooperation with the *Attorney General*, shall review and consider—

- (1) the various programs established by Federal law providing law enforcement or judicial services for Indian tribes, and
- (2) tribal and State and local law enforcement and judicial programs and systems

to determine their applicability and relevance in carrying out the purposes of this chapter.

(b) Dissemination of review—The results of the review conducted pursuant to subsection (a) of this section shall be made available to every Indian tribe as soon as possible for their consideration and use in the development and modification of a Tribal Action Plan [emphasis added].”

16. The Attorney General must submit a report to Congress on the extent and effectiveness of the COPS program in Indian country within 180 days of the law’s enactment.

SEC. 243. [(k)]“REPORT.—Not later than 180 days after the date of enactment of this subsection, the Attorney General shall submit to Congress a report describing the extent and effectiveness of the Community Oriented Policing (COPS) initiative as applied in Indian country, including particular references to—

- (1) the problem of intermittent funding;
- (2) the integration of COPS personnel with existing law enforcement authorities; and
- (3) an explanation of how the practice of community policing and the broken windows theory can most effectively be applied in remote tribal locations.”

17. The Director of the Bureau of Justice Statistics, U.S. Department of Justice, must submit a report to Congress on data collected and analyzed relating to crime, delinquency, victimization, etc. in Indian country within 1 year of enactment and annually thereafter.

SEC. 251. (b) (5) “[g] REPORTS.—Not later than 1 year after the date of enactment of this subsection, and annually thereafter, the Director [of the Bureau of Justice Statistics] shall submit to Congress a report describing the data collected and analyzed under this section relating to crimes in Indian country.”

18. Within 1 year of the law’s enactment, the Comptroller General must submit a report to the U.S. Senate Committee on Indian Affairs and the U.S. House of Representatives Committee on Natural Resources containing the results and recommendations from a study of the capabilities of the Indian Health Service to handle evidence of sexual assaults and domestic violence required for criminal prosecutions.

SEC. 266. “STUDY OF IHS SEXUAL ASSAULT AND DOMESTIC VIOLENCE RESPONSE CAPABILITIES.

(a) STUDY.—The Comptroller General of the United States shall—

- (1) conduct a study of the capability of Indian Health Service facilities in remote Indian reservations and Alaska Native villages, including facilities operated pursuant to contracts or compacts under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b et seq.), to collect, maintain, and secure evidence of sexual assaults and domestic violence incidents required for criminal prosecution; and

- (2) develop recommendations for improving those capabilities.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit to the Committee on Indian Affairs of the Senate and the Committee on Natural Resources of the House of Representatives a report describing the results of the study under subsection (a), including the recommendations developed under that subsection, if any.”

