

TRIBAL LAW AND ORDER PILOT PROGRAM

On July 29, 2010, the President signed into law the Tribal Law and Order Act of 2010 (TLOA; P.L. 111-211). TLOA includes a four year pilot program that allows any federally recognized tribe to request that the Bureau of Prisons (Bureau) incarcerate a tribe member convicted under the terms of section 234 of the Act. By statute, the pilot program will begin to accept referrals on November 26, 2010. The pilot will conclude on November 26, 2014. The pilot program can accept a maximum of 100 offenders at any time.

To be eligible, the offender must be:

- Convicted of a violent crime,*
- Sentenced to a term of 2 or more years of imprisonment with a minimum of 2 years left to serve at the time of referral to the Bureau for pilot participation,
- At least 18 years of age at the time of the offense, and
- Medically able to be transported via standard inmate transportation, although exceptions may be made for wheelchair-bound offenders on a case-by-case basis. Inmates currently on medication must have a seven day supply of prescribed medication at the time of transfer to the United States Marshals Service for transportation to the Bureau. Offenders requiring specialty medical transport to the Bureau cannot be accepted for the pilot.
- Offenders must have a clinician-read tuberculosis skin test (also known as the tuberculin test or PPD (purified protein derivative) test) within six months of transfer to the Bureau. The test must be found to be clear.

* A violent crime comparable to the crimes described in 18 U.S.C. 1153(a). Examples include: murder, manslaughter, kidnapping, maiming, sexual abuse, incest, felony assault (assault with a weapon, with the intent to commit murder, resulting in serious bodily injury, or assault of any person under 16 years of age), felony child abuse or neglect, arson, or robbery.

Judges Request and Certification

Request for a tribe member to participate in the pilot program must be made by a Judge of a tribal court who shall certify that the following conditions have been met:

- The sentence must have been issued by a tribal court of a federally recognized tribe.
- The sentence must have been issued on or after July 29, 2010.
- The sentence must have been issued after conviction in conformity with the restrictions of 25 U.S.C. 1302 of the Indian Civil Rights Act as amended by Section 234 of the Tribal Law and Order Act of 2010.

- The conviction must have been for a violent crime comparable to the violent crimes described in 18 U.S.C. 1153(a,) commonly referred to as the Major Crimes Act.
- The sentence must include a term of imprisonment of two or more years.

Required Information

The Bureau of Prisons requires the following information in order to process a referral and to safely designate a tribal offender to the nearest appropriate and available Bureau facility:

- Name,
- Gender,
- Date and place of birth,
- Tribal affiliation,
- Offense of conviction and offense conduct (description),
- Sentencing information,
- Court ordered financial obligations,
- Prior record to include descriptions of arrests and convictions,
- Detainers, pending charges and outstanding warrants,
- Personal and family data (marital status, children, etc.),
- Physical condition,
- Mental and emotional health,
- History of substance abuse,
- Educational/vocational history,
- Employment history,
- Gang affiliation,
- Separation concerns (any one individual or group of individuals that the offender must not come in contact with),
- Victim information, and
- Current place of incarceration to include address and contact information.

Referral Process

To refer an offender to the TLOA pilot program, please complete the attached forms and provide supporting documentation (e.g., PPD results). Please forward all information and supporting documentation to the address below.

The Bureau will determine eligibility within 30 days after receipt of the complete referral. Incomplete referrals will be returned to the referring Judge for additional information. The Bureau will then determine the appropriate security level and designate an appropriate location for the service of the offender's sentence while in our custody.

The referring tribal Judge will be notified in writing of the designation, the United States Marshals Service (USMS) drop-off location, allowable property, and documentation required for transportation by the USMS to the designated Bureau facility. Tribal authorities will be responsible for transporting the offender to the identified drop-off location.

Return to Tribal Custody

The tribal government retains the authority to rescind the request for confinement of a tribal offender by the Bureau at any time during the sentence of the offender. The tribal government must notify the Bureau in writing at the address below of any such requests. The Bureau will initiate transportation of the offender back to the USMS drop-off location for pick up by the tribal authorities.

If you have questions about the referral process or need further information, please contact:

TLOA Pilot Program
Designation and Sentence Computation Center
Grand Prairie Office Complex
U.S. Armed Forces Reserve Complex
346 Marine Forces Drive
Grand Prairie, TX 75051
(p) 972-352-4400
(f) 972-352-4395
GRA-DSC/TLOA~@BOP.GOV

About the Federal Bureau of Prisons

The Federal Bureau of Prisons was established in 1930 to ensure consistent and centralized administration of the 11 Federal prisons in operation at that time. Today, the Bureau includes 116 institutions, 6 regional offices, a Central Office (headquarters), and community corrections offices.

The Bureau is responsible for the custody and care of more than 210,000 Federal offenders, and ensures that offenders serve their sentences in institutions that are safe, humane, cost-efficient, and appropriately secure. The Bureau helps reduce future criminal activity by encouraging inmates to participate in a range of programs that have been proven to help them adopt a crime-free lifestyle upon their return to the community. The Bureau's philosophy is that release preparation begins the first day of imprisonment. Accordingly, the Bureau provides many self-improvement programs, including work in prison industries and other institution jobs, vocational training, education, substance abuse treatment, parenting, anger management, counseling, religious observance opportunities, and other programs that teach essential life skills.

The Bureau operates institutions at four security levels (minimum, low, medium, and high) and four medical care levels to meet the various security and health care needs of its diverse inmate population. The Bureau has one maximum-security prison for inmates who require that level of security. It also has administrative facilities, such as medical referral centers (prison hospitals), which have specialized missions and confine offenders of all security levels. The Bureau's graduated security and medical classification schemes allow staff to assign an inmate to an institution in accordance with the inmate's individual security and health care needs. Thus, inmates are able to function with relatively less supervision, without disrupting institution operations or threatening the safety of staff, other inmates, or the public, can be housed in lower security level institutions. Because of this scheme, it is important that we obtain as much information as possible about the offender and his/her criminal history and medical/mental health care needs so that we can make a safe and appropriate designation. Absent such information, the Bureau has no choice but to "overclassify" an offender until we are able to ascertain how he/she will function in the prison setting.

**Bureau of Prisons Pilot
Tribal Law and Order Act
Case Summary and Referral**

Please fill out this form in its entirety and with as much detail as possible. This information is needed to appropriately evaluate the security and programming needs of the offender. Attach additional pages if necessary. This form may be replicated, but should include all information in the order and format provided below.

PERSONAL DATA:

1. NAME:
2. DATE OF BIRTH:
3. PLACE OF BIRTH:
4. TRIBAL AFFILIATION:
5. HOME ADDRESS:
6. EMPLOYMENT HISTORY:
7. FAMILY DATA (MARITAL STATUS, CHILDREN, ETC.):

SENTENCE DATA SUMMARY:

1. SENTENCE:
2. DATE SENTENCE IMPOSED:
3. TRIBAL JURISDICTION:
4. DOCKET NUMBER (IF APPLICABLE):
5. CURRENT OFFENSE:
6. OFFENSE CONDUCT (DESCRIPTION OF OFFENSE):

7. FINES / ASSESSMENTS / RESTITUTION:
8. VICTIM NOTIFICATION (PLEASE COMPLETE LAST PAGE OF ATTACHMENT – REQUEST FOR VICTIM NOTIFICATION):
9. PRIOR RECORD (INCLUDE ALL ARRESTS, ADJUDICATIONS AND OFFENSE CONDUCT):

10. DETAINERS / PENDING CHARGES / OUTSTANDING WARRANTS (INCLUDE CHARGES, AGENCY AND CONTACT INFORMATION):

SOCIAL DATA:

1. LEVEL OF EDUCATION ACHIEVED (INCLUDE VOCATIONAL TRAINING):
2. HISTORY OF SUBSTANCE ABUSE:
3. CURRENT MEDICAL CONDITION/CURRENT MEDICATIONS/MEDICAL DEVICES:
4. CURRENT/PAST MENTAL HEALTH HISTORY/PSYCHOLOGICAL EVALUATION (IF AVAILABLE):

INSTITUTIONAL ADJUSTMENT AT CURRENT CORRECTIONAL FACILITY:

1. TYPE AND NUMBER OF INCIDENT REPORTS OR RULE INFRACTIONS (PROVIDE DESCRIPTIONS IF NECESSARY):
2. EDUCATIONAL / COUNSELING PROGRAM PARTICIPATION (IF NONE, INDICATE IF PROGRAMS ARE OFFERED):

PREPARED BY:

CERTIFIED BY (JUDGE OR COURT REPRESENTATIVE):

Print Name / Title

Print Name / Title

Signature

Signature

Phone Number

Phone Number

Tribal Court Address

**TRIBAL LAW AND ORDER PILOT PROGRAM
REQUEST FOR VICTIM NOTIFICATION**

*All items with an asterisk are required to process this request

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| *Name of inmate: |
| Reg. No. (to be completed by the Bureau of Prisons): |
| |

* Victim/Witness Name:

| Home Address | Work Address |
|--------------|--------------|
| *Street: | Street: |
| *Apartment: | Room/Suite: |
| *City: | City: |
| *State: | State: |
| *Zip Code: | Zip Code: |
| Phone: | Phone: |
| Cell Phone: | Cell Phone: |
| Fax: | Fax: |
| Email: | Email: |

Upon approval, this information will be entered in the Victim Notification System (Department of Justice database), and victims/witnesses will receive an Identification number and password.

It is incumbent upon the victim/witness to keep contact data current.

All notifications will be sent via email if an email address is provided.