

Duties imposed on United States Attorneys by the Tribal Law and Order Act of 2010

Indirect Duties Imposed on United States Attorneys by the Tribal Law and Order Act of 2010 (through the Department of Justice)

- (1) Title 1, sec. 101(b)(15): On an annual basis, sharing with the Office of Justice Services all relevant crime data, including the 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
- (2) Title 1, sec. 101(b)(18)(f): No later than 1 year after the date of enactment of this subsection, the Secretary, acting with the Bureau, 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-
 - a. A description of proposed activities for-
 - i. 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 (24 U.S.C. 2453(a)(3)) and adult detention facilities (including regional facilities) in Indian country;
 - ii. Contracting with State and local detention centers, upon approval of affected tribal governments; and
 - iii. Alternatives to incarceration, developed in cooperation with tribal court systems;
 - b. An assessment and consideration of the construction of Federal detention facilities in Indian country; and
 - c. Any other alternatives as the Secretary, in coordination with the Attorney General and in consultation with Indian tribes, determines to be necessary.

Direct Duties Imposed on United States Attorneys by the Tribal Law and Order Act of 2010

- (1) If a U.S. Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of Federal criminal law in Indian country, the U.S. Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.
- (2) *Compilation of Information*: On an annual basis, and by Federal judicial district, U.S. Attorneys shall submit information to the Native American Issues Coordinator 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.

NOTE**Nothing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.

- (3) *Tribal Liaison*: The United States Attorney for each district that includes Indian country shall appoint no less than one assistant United States Attorney to serve as a Tribal Liaison for the district.
- a. Obligations
 - i. Coordinate prosecutions of Indian country crime; and
 - ii. Develop relationships with residents of Indian country and serve as a link between Indian country residents and the Federal justice process.
 - b. Duties of Tribal Liaison
 - i. Coordinate the prosecution of Federal crimes that occur in Indian country.
 - ii. Develop multidisciplinary teams to combat child abuse and domestic and sexual violence offenses against Indians.
 - iii. Consult and coordinate with tribal justice officials and victims' advocates to address any backlog in the prosecution of major crimes in Indian country in the district.
 - iv. Develop working relationships and maintain communication with tribal leaders, tribal community and victims' advocates, and tribal justice officials to gather information from, and share appropriate information with, tribal justice officials.
 - v. Coordinate with tribal prosecutors in cases in which a tribal government has concurrent jurisdiction over an alleged crime, in advance of the expiration of any applicable statute of limitation.
 - vi. Provide technical assistance and training regarding evidence gathering techniques and strategies to address victim and witness protection to tribal justice officials and other individuals and entities that are instrumental to responding to Indian country crimes.
 - vii. Conduct training sessions and seminars to certify special law enforcement commissions to tribal justice officials and other individuals and entities responsible for responding to Indian country crimes
 - viii. Coordinate with the Office of Tribal Justice, as necessary.
 - ix. Conduct other activities to address and prevent violent crime in Indian country as the applicable United States Attorney determines to be appropriate.
- (4) In order to enhance prosecution of minor crimes, each United States Attorney serving a district that includes Indian country is authorized and encouraged to:
- a. appoint Special Assistant United States Attorneys (pursuant to section 543(a) of title 28, United States Code) to prosecute crimes in Indian country as necessary to improve the administration of justice, particularly when
 - i. The crime rate exceeds the national average crime rate; or
 - ii. The rate at which criminal offenses are declined to be prosecuted exceeds the national average declination rate;
 - b. in appointing a Special Assistant United States Attorney, a United States Attorney should consult with tribal justice officials of each Indian tribe that would be affected by the appointment.

- c. coordinate with the applicable United States district courts regarding scheduling of Indian country matters and holding trials or other proceedings in Indian country, as appropriate;
 - d. provide to appointed Special Assistant United States Attorneys appropriate training, supervision, and staff support; and
 - e. Provide technical and other assistance to tribal governments and tribal court systems to ensure that the goals of this subsection are achieved.
- (5) *Native American Issues Coordinator*: established in the Executive Office for United States Attorneys of the Department of Justice
- a. Duties:
 - i. Coordinate with the United States Attorneys that have authority to prosecute crimes in Indian country;
 - ii. Coordinate prosecutions of crimes of national significance in Indian country, as determined by the Attorney General;
 - iii. Coordinate as necessary with other components of the Department of Justice and any relevant advisory groups to the Attorney General or the Deputy Attorney General; and
 - iv. Carry out such other duties as the Attorney General may prescribe.