

CALIFORNIA INDIAN LEGAL SERVICES

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MEMORANDUM

Here is a brief summary of the regulations on requesting federal re-assumption of §1152 and §1153 jurisdiction under the TLOA.

The request must be signed off by the chief executive officer (chairperson, etc.);

The request must identify each local and state agency that currently has jurisdiction to investigate or prosecute crimes in the Tribe's Indian Country and their contact information;

The request must explain why re-assumption will:

- 1. Improve public safety, criminal law enforcement and reduce crime on the reservation;**
- 2. Increase the availability of law enforcement resources to the tribe;**
- 3. Improve access to judicial resources; and**
- 4. Improve access to detention and correctional facilities;**

DOJ will publish the request in the Federal Register within 30 days of receipt. The comment period shall be 45 days;

DOJ will initiate consultation with the Tribe within 30 days from receipt of the request;;

DOJ will send written notice of the Tribe's request to the governor, the local and state law enforcement agencies identified by the Tribe in its request seeking comments within 45 days;

DOJ will seek comments and information from other DOJ agencies, the U.S. Attorney's Office, Bureau of Prisons, BIA, Office of Homeland Security, federal courts and other affected federal agencies and departments;

DOJ will make its decision after receiving written recommendations for the Office of Tribal Justice, Executive Office of the U.S., and the FBI;

Requests received by February 28th in any calendar year will be decided by July 31st. Requests received by August 31st will be decided by January 31st. DOJ stresses these are soft deadlines and subject to feasibility;

DOJ decision shall be to:

1. Consent to the re-assumption, effective as of some future date certain within the next 12 months with or without conditions and publish the consent in the Fed. Reg.

2. Deny the request

3. Request further information;

DOJ decision is not appealable. However, the Tribe may submit a renewed request to DOJ and address the basis for the prior denial;