

# Law and Order Act: Questions and answers

The Tribal Law and Order Act of 2010 brings significant long-term changes to law and order on the reservation.

Tribal attorney Lauren Lester answers frequently asked questions by Warm Springs community members regarding this law:

### Q: What are the stated goals of the Tribal Law and Order Act of 2010?

A: Congress passed the Tribal Law and Order Act of 2010 ("TLOA") in an effort to improve public safety in Indian country by (1) increasing coordination and communication among federal, state, tribal, and local law enforcement agencies; (2) empowering tribal governments with the authority, resources, and information necessary to effectively provide public safety in Indian country; and (3) reducing violent crime, drug trafficking, and drug and alcohol addiction in Indian country.

### Q: Does the TLOA change the criminal sentencing authority of the tribal courts?

A: Yes, the TLOA amended the sentencing limits contained in the Indian Civil Rights Act.

Previously, the Indian Civil Rights Act provided that tribes could not impose any punishment greater than imprisonment for one year and/or a fine of \$5,000 for the conviction of any one criminal offense.

The Indian Civil Rights Act now provides that, if certain due process requirements are met, tribes may impose sentences up to three years and/or a fine of \$15,000 for the conviction of certain serious offenses, and to

impose on a person a total term of imprisonment for up to nine years in one criminal proceeding (if a person is charged with and convicted of more than one offense as part of a criminal proceeding).

### Q: Will the Tribe implement the enhanced sentencing authority allowed by the TLOA?

A: The tribe has not yet determined if it will implement the enhanced sentencing provisions of the TLOA, but will be considering the issue over the coming months.

At this point, the Tribal Court does not impose total sentences greater than one year and/or a fine of \$5,000 in any one criminal proceeding.

### Q: If the tribe decides to implement the enhanced sentencing authority allowed by the TLOA, what conditions must the tribe meet?

A: If the Tribe decides to impose sentences greater than one year in any criminal proceeding, the Tribe will need to:

- Provide to the defendant the right to effective assistance of counsel
- Provide a licensed attorney to defendants who cannot afford to hire an attorney
- Require that the judge(s) presiding be (1) trained to preside over criminal proceedings, and (2) licensed to practice law
- Make all criminal laws and regulations available to the public
- Maintain a record of the criminal proceeding
- Ensure that the defendant

The law requires the Secretary of the Interior and the Attorney General to work with tribes to form a nationwide long-term plan for the construction and operation of Indian juvenile detention and treatment centers...

is incarcerated in a tribal, state, or federal facility appropriate for long-term incarceration.

### Q: Does the TLOA increase funding for tribal public safety and tribal court programs?

A: No, the TLOA reauthorizes a number of existing grant programs and expands existing authorities that already receive funds. But the TLOA did not authorize any new funding. Thus, if the tribe decides to take the enhanced sentencing, it will need to use existing resources to do so.

### Q: What impact will the TLOA have on juvenile offenders?

A: The TLOA contains a number of provisions related to juveniles.

Most significantly, it requires the Secretary of the Interior and the Attorney General to work with tribes to form a nationwide long-term plan for the construction and operation of Indian juvenile detention and treatment centers.

That plan must be completed by the end of July 2011. The

TLOA also created a Tribal Youth Program to fund tribal juvenile delinquency prevention and treatment programs through competitive grants.

### Q: Will the TLOA improve enforcement of federal law on the Reservation?

A: Yes, one of the purposes of the TLOA is to increase prosecutions of federal crimes that occur on the reservation.

For example, the TLOA requires the U.S. Attorney's Office to appoint tribal liaisons to coordinate with tribes on prosecution of crimes in Indian country.

The TLOA also attempts to streamline the process by which tribal police officers can become commissioned federal officers that have the authority to enforce federal law on the Reservation.

The tribe recently entered into an agreement with the BIA whereby tribal police officers who meet certain requirements can receive commissions from the BIA.

### Q: Does the TLOA affect the status of the Warm Springs Reservation under Public Law 280?

A: No, the Warm Springs Reservation remains exempt from state criminal and civil jurisdiction under Public Law 280.

## Birthday and other wishes...

Happy birthday on April 7, 2011 to our son Thomas Chester Sam. Hope you have a great day. Love you a lot, son. From your mother and father Marella and Robert Sam Sr.

Happy birthday to my yaya Thomas Chester Sam. Love you, ya ya. I am glad you're my yaya, lots of love from Clarence Vernon Sam.

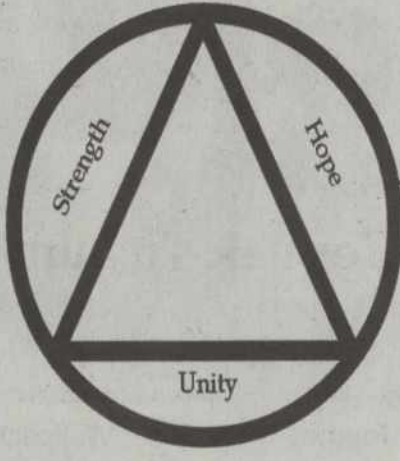
Happy birthday to our Uncle Thomas Chester Sam. Hey Uncle, hope your day is a good one. We all say happy birthday and we all love you a lot, from: Woody Jr., Dartanian, Kaylobe, Elisha and Chantel Picard—Janathian Tracy Ray and Gerald Tias Jr.

This April 7, 2011, we want to say a big happy birthday to our baby brother Thomas Chester Sam. We all love you, from all of us, Tracy Ray Sam Sadie and Woody Sr., Robert Jr., Jeleah Sam—Elsie and Joey, Neda and Gerald Tias Sr.

This April 7, a big happy birthday to our grandson Thomas Chester Sam, with all of our love from: your grandmother Eliza and Harvey Jim and family.

Happy birthday, Daddy Ray Bobb (4/11)! Love, Freddie & Ron, Bobbi, Travis, Amy, Michael and Kendall.

Happy birthday, Duran (4/17). From Ron.



**Alcoholics Anonymous**

Warm Springs Community Counseling  
Wednesday - 12-Noon & 7:00 p.m.  
Saturday - 10 a.m.

**AFFORDABLE TIRES**

**NEW -N- USED**

304 MADISON ST., SUITE 102  
MADRAS, OR. 97741

**ISAAC**  
541-693-3742

**HECTOR**  
541-693-3386

## For Grandma



We take time to say thank you, drummers, cooks, bell ringers, and undertaker, for your help and time, helping with our Grandma Margo Boise, funeral on Feb. 24, 2011.

From the Boise family, Lawrence family, Saludo family, Stradley family, Doney kids, Ted and Rachel Barney, Sam family, Shikes, Jode Goudy family, Liz Yaw and family, family and friends and many grand children.

Lots of love to our Grandma Margo Boise, thank you for the gift of love, now you're sharing it up above.

You had many things to say, all in a caring way.

You always say good in ev-

eryone, no matter what they've done. You were the one we all could lean on, even though it must felt like a ton. You were always the strength of "our family," now we must let you rest calmly.

As we say our goodbye, as tears roll down our eyes, we know you're place in Heaven has a good view.

We need to know you always be in our hearts and mind. So Grandma Boise, we must go but will never forget, you're one of a kind. Sincerely,

Rachel and Ted Barney, Doney kids, Carol and Daniel Lawrence, Arnetta Saludo family, Terry and Tony Stradley, Uncle Tony Boise family, young Boise family, Neteva family, Justin, Suzette-Patricia Boise, many family and friends.

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## APRIL 20 + 21, 2011

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Legal Aid Services of Oregon provides free assistance to low-income Oregonians in many civil cases. Speak with an attorney during drop-in hours 1 to 4 p.m. on the first

Monday of the month at the Family Resources Center in Warm Springs. Or call 385-6944 Monday through Thursday between 9 a.m. and 4 p.m. (at lunch from noon-1 p.m.)