

INDIAN AFFAIRS MANUAL

Part: 40
Chapter: 1

Law Enforcement and Detention
Authority and Responsibilities

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1.1 Purpose. This chapter provides the basic authorities and responsibilities for the law enforcement and detention programs.

1.2 Authority.

A. Statute. *Indian Law Enforcement Reform Act*, Public Law 101-379 [25 U.S.C. §§ 2801-2809].

B. Regulations.

- (1) 25 CFR Part 10, "Indian Country Detention Facilities and Programs."
- (2) 25 CFR Part 11, "Law and Order on Indian Reservations."
- (3) 25 CFR Part 12, "Indian Country Law Enforcement."

C. Handbooks. The handbooks used in carrying out law enforcement and detention programs do not enlarge an officer's civil or criminal liability in any way. These handbooks should not be construed as the creation of a higher standard of safety or care in an evidentiary sense with respect to third party claims. Failure to follow procedures contained in these handbooks may, however, result in disciplinary actions of an administrative nature. The handbooks are available from the Director, Office of Law Enforcement Services, 417 Gold Street, SW, Albuquerque, NM 87102, (505) 248-7937. The following handbooks are to be used in law enforcement and detention operations:

- (1) Adult Community Residential Handbook
- (2) Adult Detention Handbook
- (3) Juvenile Community Residential Handbook
- (4) Juvenile Detention Handbook
- (5) Model Inmate Handbook
- (6) Law Enforcement Operations Handbook

1.3 Cross Reference. The regulations in 25 CFR Parts 10 and 12 contain references to chapters 68 and 69 of the Bureau of Indian Affairs Manual (BIAM). Chapter 69 was never issued and chapter 68 is superseded by the issuance of this Part 40 of the Indian Affairs Manual.

1.4 Scope. Under the regulations in 25 CFR Parts 10 and 12, the provisions of this part of the Indian Affairs Manual apply to all law enforcement programs operated by the Bureau of Indian Affairs and to those operated by an Indian Tribe or tribal organization under a Self-Determination contract. Indian tribes which have negotiated Self-Governance compacts are encouraged to comply with the standards contained in Part 40 of the IAM.

1.5 Responsibilities.

A. Director, Office of Law Enforcement Services (Director):

- (1) Develops policies, procedures, and standards for all aspects of law enforcement and detention programs;
- (2) Maintains liaison and promotes agreements with other law enforcement agencies;
- (3) Provides basic and advanced law enforcement training for all Indian country law enforcement officers;
- (4) Provides technical support to all Indian country law enforcement programs, including program reviews, inspections, and internal investigations;
- (5) Ensures that all law enforcement and detention regulations, IAM chapters, and handbooks covering law enforcement and detention are reviewed regularly and are up-to-date;
- (6) Develops and maintains a criminal justice information system consistent with the standards established by the Department of Justice;
- (7) Issues annual reports on crime in Indian country;
- (8) Supervises all Bureau law enforcement personnel, including uniformed police, adult and juvenile detention personnel and criminal investigators;
- (9) Develops crime prevention and outreach programs; and
- (10) Develops a code of conduct for law enforcement personnel and ensures that all allegations of officer misconduct are promptly investigated and appropriately resolved.

B. District Commanders:

- (1) Direct the operation of criminal investigations, uniformed patrol operations, conservation enforcement, detention facilities (including holding facilities and community residential facilities), and other non-investigative aspects of law enforcement within the Districts.
- (2) Ensure that all law enforcement officers within the District receive the required training for certification within the time prescribed;
- (3) Ensure that technical support is provided to tribally-contracted law enforcement and detention programs;
- (4) Coordinate with the Director in reviewing criminal investigation, law enforcement and detention operations and direct the implementation of any needed corrective actions; and

(5) Enter into agreements with local law enforcement agencies and/or individual officers to ensure that both law enforcement units have adequate authority to enforce laws in the jurisdiction involved, and to support each law enforcement agency in the performance of their duties.

C. Awarding Officials. Officials exercising delegated authority to award Self-Determination contracts are to:

(1) Ensure that all contracts for law enforcement, detention operations, and any programs which employ conservation officers include provisions that require the Indian tribe or tribal organization to meet, as a minimum, the standards established by the Director, Office of Law Enforcement Services, for law enforcement, detention programs, or conservation officers, as appropriate;

(2) Provide a copy of the applicable Federal Regulations, this Part of the IAM, and applicable handbooks issued by the Director, Office of Law Enforcement Services, to each Self-Determination contractor affected by this Part of the IAM.

D. Supervisors of Law Enforcement Personnel:

- (1) Support law enforcement personnel in training and development activities;
- (2) Ensure that allegations of misconduct are promptly investigated and properly resolved;
- (3) Review reports on use of force and take appropriate action on such reports; and
- (4) Advise the District Commander of all allegations of misconduct and use of force, and of other pertinent law enforcement issues.

E. Criminal Investigators:

- (1) Investigate all assigned cases thoroughly, in a timely manner, and in compliance with established procedures; and
- (2) Prepare written reports meeting established quality standards.

F. All Law Enforcement Personnel:

- (1) Conduct themselves in a professional and ethical manner;
- (2) Adhere to the law enforcement code of conduct;
- (3) Maintain physical fitness, and proficiency in the use of weapons and vehicles;
- (4) Report incidences of possible officer misconduct to the immediate supervisor or directly to the internal affairs unit;
- (5) Act within the limits of assigned jurisdiction and authority; and

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(6) Maintain harmonious working relationships and communication with other law enforcement agencies, U.S. Attorneys and other prosecutors, and all other criminal justice agencies.

G. Conservation Officers must meet and maintain the same qualification and training standards as are required for uniformed officers.