



OPERATIONS PLAN

Public Safety In Indian Country

Effective Date: June 16, 2010

Reviewed: June 16, 2010

Last Updated: December 12, 2011

I. Overview

The Deputy Attorney General of the United States declared in his [January 11, 2010, Indian Country Law Enforcement Initiative Memorandum](#) that “public safety in tribal communities is a top priority for the Department of Justice.” This priority designation recognizes the Department’s unique relationship with the tribes, which vests in the United States Attorney’s Offices the sole authority, in the case of serious violent crimes committed by or against Indians in Indian Country, to seek and obtain criminal sentences that sufficiently vindicate the safety interests of the affected tribes and their members. To give meaningful effect to the Department’s priority designation, this Office has adopted the following comprehensive plan, which will govern its daily operations in Indian Country and inform its long-term development of programs to improve the delivery of law enforcement services to tribal community members.

The District of Arizona USAO Operations Plan emphasizes, among other things:

- respect for the sovereignty of the tribes, which underlies all of our interactions with tribal officials and members;
- the practice of active, regular, two-way communication with all tribes in the District of Arizona, at multiple levels of tribal government;
- the sharing of as much information as possible with tribes, to maximize their own ability to protect their communities through investigation and prosecution of tribal offenses;
- increased presence of our AUSAs, victim advocates and office leadership in the tribal communities in a proactive manner, rather than just when necessary for case advancement;
- development of a joint tribal-federal model for increased prosecution and prevention of domestic violence and other violence against women and children

in tribal communities, which model rests on the foundations of increased SLEC certification of tribal police officers and SAUSA cross-designation of tribal prosecutors to assist in bringing charges federally for such offenses, where the sentences would have a greater specific deterrent effect;

- the delivery of regular, customized training by AUSAs and federal agents to tribal law enforcement on law, procedure, evidence gathering and investigative techniques, based in large part on the tribes' own specific training needs; and

- a continuous, repetitive systemic review of all processes by which law enforcement services are delivered in Indian Country, to find inefficiencies or failed practices that limit our effectiveness, or that of our partner federal investigative agencies, in doing our jobs as well as possible.

The USAO was doing much, but not all, of the above before we undertook formal consultation with the tribes and began our critical review of operations in Indian Country. This Plan institutionalizes those extant practices which our review has concluded are “best practices,” and adds substantially to them with new procedures developed as part our operations review, undertaken in consultation with the tribes and our partner federal agencies. The Plan has eight elements:

[Communication;](#)

[Investigations;](#)

[Victim Advocacy;](#)

[Training;](#)

[Outreach;](#)

[Reduction of Violence Against Women and Children;](#)

[Accountability;](#) and

[Continuous System Review.](#)

Each element is discussed in its corresponding Section below. The plan and its specific components have been influenced heavily by ideas coming from discussions with tribal leaders, both during the USAO's first two annual Formal Tribal Leadership Consultations and in individual meetings with leaders.

II. Communication

In his [January 11 Memorandum](#), the DAG issued a directive that all Districts' Operational Plans include a component on "Communication," which he defined as a "descri[ption of their respective] processes for informing tribal law enforcement about charging decisions, including declinations." January 11, 2010, [DAG Memorandum at p. 5](#). This District has elected to formulate a much more comprehensive communication component in its plan than what the DAG requires, in both qualitative and quantitative terms. Qualitatively, our communication plan will emphasize not only output of information, but actively and constantly seeking input from tribal officials in elected office, law enforcement, prosecution, the courts and social services, and considering that input in all our decisions affecting Indian Country. It is the philosophy of this Office that no one knows and understands the problems and needs of tribal communities better than the communities themselves, and as highlighted throughout this Plan, some of the best ideas to be implemented in it have come from our listening to tribal representatives.

As a quantitative manner, the Plan recognizes the following opportunities for two-way communication and mandates their observance:

Liaison/Communication Practices:

A. In addition to its Tribal Liaison, this District has created the position of Deputy Tribal Liaison to double the amount of attention it pays on a senior management level to tribal affairs. The Tribal Liaison and Deputy Tribal Liaison are be responsible for communicating with tribal officials at all levels about general matters of importance to the tribes, as well as conveying appropriate information about specific cases and their statuses. The Tribal Liaison and Deputy Tribal Liaison will develop and maintain at least one close contact, where possible, with a member of each of the following entities within each tribe, nation or community: the Tribal Council, the Tribal Executive's Office (where the Executive is distinct from the Council), the Tribal Prosecutor's Office, and the Tribal Police Chief. We will maintain this multiple-channel communication structure to ensure that all entities are comfortable making inquiries of or sharing concerns with us;

B. Also, because of the relatively close proximity of the Flagstaff Branch Office to the five northern Arizona counties and the existing relationships between that office and the tribal governments in those counties, The Flagstaff Branch Chief also will perform informal liaison duties between the representatives of those tribes and the USAO. For the same reasons of proximity, the Tucson Branch Chief and the Section Chief for Violent Crimes in the Tucson Branch will perform informal liaison duties between the representatives of the Tohono O'odham and Pascua Yaqui tribes and the USAO.

AUSA Community Contact/MDTs

C. Each AUSA having Indian Country responsibility also will undertake liaison duties with their assigned tribe to address specific case-related matters with tribal law enforcement, tribal prosecution and related tribal government agencies. Each such AUSA, and each Victim Advocate in the USAO, will be assigned to at least one Multi-Disciplinary Team (“MDT”), according to this [MDT schedule](#);

D. Each AUSA assigned to a tribe will be responsible for attending all MDT meetings for that jurisdiction, and if the MDT has ceased to function meaningfully, for making concerted efforts to revive that MDT. In addition to the existing MDTs on child sex crimes, AUSAs are strongly encouraged to seek the establishment of MDTs for all other violent crimes on their assigned reservations;

E. Each AUSA also will make visits to her or his assigned reservation without regard for MDT or other mandated meetings, simply to gain familiarity with the reservation and its government. Such visits might include, for example, observing proceedings in tribal court or meetings with tribal police and prosecutors to discuss the training needs of the agencies and market our availability to provide that training;

Affirmative Reporting and Responsiveness to Inquiries

F. The Tribal Liaison, Deputy Tribal Liaison, Tucson and Flagstaff Branch Chiefs and all Indian Country AUSAs and supervisors will maintain a same-day call-back policy for inquiries or requests for assistance from tribal representatives. Even if the return call is only to say the AUSA or manager received the request and is working on it, we will return those calls the same day. This practice is intended to make concrete our policy of responsiveness on the priority issue of Indian Country;

G. The USAO also will continue to issue its annual Indian Country Report, which will summarize violent felony, narcotics, bootlegging, white collar and public corruption prosecutions in Indian Country, both District-wide and by reservation, and will highlight reportable events on cases of particular interest, including tribal law enforcement training accomplished;

H. Keeping tribal leaders and the public in general informed of significant events in criminal justice matters through the media and public outreach serves our purposes of deterring crime by example, and by reassuring victims and the community that we are committed to strengthening public safety. The decision to communicate case information through the media or outreach, however, will be made on a case-by-case basis, and will

also take into account the paramount concerns of protecting ongoing investigations and ensuring the safety and privacy rights of victims.

Engagement with Tribal Law Enforcement

I. This Office participates fully in Arizona's Indian Country Intelligence Network (ICIN), an information-sharing organization of all tribal police chiefs. The Tribal Liaison, Deputy Tribal Liaison, Law Enforcement Coordinator or an Indian Country AUSA will attend all monthly ICIN meetings and will use those meetings to solicit concerns about law enforcement issues from the police chiefs, to gauge and respond to training needs, and to share updates with the chiefs about federal criminal law and USAO activities of interest to them. The USAO representative will make regular presentations at the ICIN meetings on topics requested by the ICIN membership;

J. This Office also participates fully in the Arizona Tribal Prosecutors' Association (AzTPA), an information-sharing organization of all tribal chief prosecutors. The Tribal Liaison, Deputy Tribal Liaison or both will attend all quarterly AzTPA meetings and will use those meetings to solicit concerns about law enforcement issues from the prosecutors and to share updates with them about federal criminal law and USAO activities of interest to them. The USAO representative makes regular presentations at the AzTPA meetings on topics requested by the membership;

Timely Charging Decisions; Communication of Declination and Consultation with Tribal Prosecutors

K. Upon receiving a referral of an investigation into a criminal matter on one of the tribal nations, the USAO will assign an AUSA to monitor the investigation. The AUSA will be responsible for conferring with the appropriate investigating agency within one week of the referral to determine the status of the investigation, to appropriately direct the preservation of evidence, and to make any necessary requests for additional investigation then apparent to the AUSA. The AUSA shall meet regularly with law enforcement to ensure that the matter is being appropriately investigated, and that prompt charging decisions are made.

L. Within 30 days of receipt of a final prosecution report from the referring agency, the assigned AUSA will make a determination to charge the matter, to decline it, or to direct additional furthering investigation by the referring agent(s). Upon concluding that a violent crime matter in Indian Country must be declined, the AUSA will prepare a written notice of that declination, setting forth the reasons for that declination in sufficient detail that a tribal prosecutor assessing her or his own case under the applicable tribal code would understand those

reasons well and would be able to assess whether any evidentiary shortfalls in the contemplated federal case would similarly render a tribal case unviable. The AUSA will send the declination letter to the tribal prosecutor and, if appropriate, to the tribal police chief, at the same time (s)he sends it to the referring federal agent;

M. With a copy of the declination letter, the AUSA also will invite the tribal prosecutor to visit the USAO, to discuss the matter and the declination with the AUSA, and to gain access to the evidence in the matter that the AUSA has maintained. While the AUSA cannot mandate the investigating federal agency to share evidence in its possession with the tribal prosecutor, the AUSA will encourage the investigative agent to do so at every opportunity. This practice will provide the tribal prosecutor with every opportunity to assess the potential merits of a tribal case where a federal case is not viable, and if the tribal prosecutor concludes a tribal prosecution is sustainable, it will give her or him every chance to succeed at that endeavor.

All of the above are intended to create a redundancy in contacts between the 22 respective tribes in the District and the USAO, and to foster the sense among tribal representatives that the Office is hyper-responsive to their public safety needs and concerns. Because each of the 22 tribes in Arizona is situated and structured differently, our redundant communications plan allows us flexibility to reach tribal leaders—and them to reach us—in many different ways, to ensure that we are providing necessary information timely and, just as importantly, that we are hearing from multiple sources what is occurring on the various reservations and what they need.

III. Investigations

The USAO has established a good working relationship with Bureau of Indian Affairs - Law Enforcement Division and the Federal Bureau of Investigation, and expends substantial effort to maintain it. Communication between agents and AUSAs, and between respective management structures, both on case specific matters and general Indian Country issues, is frequent and there should be no surprises as a result. The frequent communication between our agencies also allows us great flexibility in responding to public safety issues in Indian Country because all partners know they can make adjustments frequently and easily. This Office also enjoys strong relationships with many tribal police departments based on mutual respect and the expectation that frequent communication is welcome. We will continue to encourage communication, requests for assistance and training, and collaboration with tribal police at every opportunity, to bring more tribal departments into a circle of trust and to improve cooperation with those that already feel satisfaction working with us.

The availability of federal criminal investigative resources on each of Arizona's 22 tribal communities is different, and so our Plan to coordinate coverage of investigations must be commensurately flexible to provide an effective response. For example, San Carlos Apache

Reservation currently has four BIA Special Agents assigned to it, but there is no FBI presence. Conversely, an FBI Special Agent is assigned to cover Pascua Yaqui, but no BIA agents work cases there. Hopi enjoys the presence of a BIA police force in several of its villages, as well as FBI investigative support staged from Flagstaff. Navajo has no BIA investigative presence, and because of its geographic span, those FBI Agents who investigate major crimes there are often a half-day away from the crime scene, in Gallup or Flagstaff; for that reason, the USAO relies heavily on Navajo Criminal Investigators as first responders to many major crime scenes on Navajo. There are 18 more permutations of investigative coverage across the 18 other tribes. Flexibility in approach is therefore paramount.

A. Roles of Respective Law Enforcement Partners. The [attached table](#) sets forth which agencies currently have principal investigative responsibility for specific offense types, if any, for each of the 22 tribal communities. Historically, BIA and FBI had entered MOUs dividing responsibility for investigations on specific reservations based on case type. Most of those MOUs were abrogated or have become outdated over time. Under the Plan, the Tribal Liaison will identify, and review the status of, all existing MOUs and, after consulting with the federal agencies and seeking input from the affected tribes, will recommend to the United States Attorney, on a reservation-by-reservation basis, whether the creation of a new MOU allocating the responsibilities of the federal agencies is warranted and if so, how they should be apportioned. Under this Plan, it is the default position of the Office that hard and fast divisions of case responsibility between FBI and BIA is to be avoided, and is unnecessary, in light of the history of cooperation between the two agencies in this District, and their mutual recognition of each other's expertise in different areas.

B. Consideration of Relevant Federal, State and Tribal Law. It is the policy of this Office that every offense and every offender will be evaluated individually to determine under what jurisdiction and what charges the most appropriate specific deterrence will be achieved. AUSAs are in contact with federal case agents, tribal police (where applicable) and tribal prosecutors to consider whether prosecution under the tribal code, on the one hand, or pursuant to the Major Crimes Act or Indian Country Crimes Act or assimilated state statutes, on the other, is more appropriate. In the ordinary course, this Office will opt to charge a readily provable federal felony offense wherever it presents itself. It is the policy of this Office that prosecutive resource issues will not stand as a barrier to charging decisions for violent crimes in Indian Country.

C. Prosecution Guidelines in Indian Country. The attached [Violent Crime guidelines](#) apply to all offenses occurring in Indian Country. The USAO is the principal avenue for felony prosecution of violent crime in Indian Country involving Indian defendants, victims or both, and indeed the sole option for felony prosecution where a tribe has not opted into the enhanced sentencing provisions of the Tribal Law and Order Act. Therefore this Office has no prosecution thresholds and will charge every readily provable felony violent crime, as well as any domestic violence misdemeanor occurring between a non-Indian defendant and an Indian victim.

D. Task Forces Operating in Indian Country. This Office supports and encourages the establishment of federal-state-tribal task forces as a force multiplier in Indian Country. The most long-standing such task force in Arizona is FBI's Project Safe Trails, which was established on Navajo in 1996 and continues to be active today, with participation from FBI, Navajo Police and Navajo Criminal Investigators. This Office also supports the Project Safe Neighborhoods Pilot on the Tohono O'odham Nation, which on May 24, 2010, concluded a year-long investigation by Tohono O'odham Police, BIA and ICE of drug and gun trafficking by gang members on the Nation, with the arrest and indictment of 10 traffickers. We also participate in the LaPaz County Task Force, whose main focus is on drugs in Indian Country and in February of 2010, arrested and prosecuted twelve narcotics traffickers in federal, state and tribal court after a coordinated take-down. The above programs should be viewed as models for replication throughout Indian Country in this District, and this Plan calls for the Office to aggressively pursue similar new opportunities.

E. Child Protective Multi-Disciplinary Teams (MDTs). As stated in Section I above, this Office regularly participates in Child Protective MDTs on every reservation for which we have prosecution and investigative responsibility. AUSAs all are instructed to encourage expansion of the MDT model for adult victims of sexual violence and other violence.

F. Tribal, State and Local Cross-Deputation Agreements. Currently, twelve tribal police departments - Ak-Chin, Cocopah, Colorado River, Fort McDowell, Gila River, Hualapai, Navajo, Pascua Yaqui, Salt River, San Carlos Apache, Tohono O'odham and Yavapai Prescott - have cross-deputation agreements in place through the BIA's Special Law Enforcement Certification (SLEC) program. This Office has assumed responsibility for conducting all training of tribal officers under the SLEC program and staffs between six and eight, three-day-long training sessions throughout the calendar year; two other tribes in the District currently are working toward agreements with BIA to receive SLEC status. The Office will actively recruit and promote increased participation in the program among the other 3 tribes with 638-contracted police forces. We view the availability of well-trained tribal police with federal law enforcement capabilities as a force multiplier and the District's goal is to see all tribes with land¹ achieve SLEC or another cross-deputation status.

Additionally, this office is actively engaged in helping the Arizona Department of Public Safety and at three county sheriff's offices to obtain cross-deputation under SLEC so they may enforce federal law on those reservations where the tribal councils have invited their presence. Under our Plan, the Office, through the Tribal Liaison, will pursue expansion of cross-deputation agreements with county and state law enforcement to make more trained and certified officers available for patrol and operations on those tribal communities who want them.

This District's Plan focuses heavily on the dual goals of 1) increasing the base of well-trained, available investigators of federal offenses; and 2) maintaining and improving the level of

¹ One tribe - the San Juan Southern Paiute Tribe - has members living in Northern Arizona but no recognized lands. It therefore has no tribal police force.

that base's investigative skills through targeted and frequent training (treated in depth in Section IV below). Our ongoing efforts to increase the number of competent investigators, both overall and on specific reservations with specific needs, is achieved by growing participation of tribal, county and state police departments in cross-deputization programs like SLEC, and by targeted efforts to grow the staffing of federal agents dedicated to Indian Country violent crime.

Our Plan does not ignore the need for adequate staffing by federal investigative agencies. Successful efforts to date in growing BIA presence on specific reservations are exemplified [here](#). Ongoing efforts to increase FBI presence in Indian Country significantly are modeled here. These steps, coupled with frequent communication and coordination between all participants, will yield improved public safety throughout Indian Country.

G. Central Violations Bureau (“CVB”). This Office has secured the participation of two tribes in a program to utilize the CVB citation process to address minor offenses by non-Indians in Indian Country, such as trespass on tribal government facilities like casinos. The Office became involved in this issue, and in developing this solution, when county officials declined to prosecute such misdemeanors after concluding that they involved tribal victims - the tribe itself- and therefore were beyond the jurisdiction of the counties. In order to avail itself of the CVB program, a tribe must first obtain SLEC certification for its police officers. Thus, the CVB program becomes one more advantage of SLEC certification and the commensurate federal training, a step this Office will encourage for all tribes.

IV. Victim Advocacy

The Office recognizes that its responsibilities in Indian Country do not begin and end with criminal investigation and prosecution, and that one of our highest obligations is ensuring that the victims of the crimes we prosecute are accorded all of their rights to notification and participation in the criminal justice process. This is not just a matter of legal obligation; it is an outgrowth of our concern for the members of the community we serve, and a recognition that justice does not just mean punishment, incapacitation and rehabilitation of the offender, but also restoration of the victim and the community offended, as much as possible.

The USAO's own Victim Witness Advocate Unit has extensive and well-defined procedures for servicing victims of violent crime, which can be viewed [here](#). In general, USAO Victim Advocates coordinate the efficient delivery of their services with FBI and BIA Victim Specialists through a very close cooperative relationship. We recognize this cooperative relationship is necessary to provide seamless service to victims who are enduring the most difficult personal times, so that someone is always available to respond to the victim's needs, inquiries and requests from investigation to trial to sentencing. The Victim Witness Unit reinforces the close coordinating relationship with FBI and FBI specialists through frequent informal meetings and an annual formal meeting of all Victim Advocates from all federal agencies, held in conjunction with the annual Law Enforcement “Pow Wow,” or conference of

the heads and managers of all law enforcement agencies in the state, and the annual Four Corners Indian Country Conference, which focuses those same personnel on victim issues in law enforcement.

By maintaining open and frequent communication with FBI and BIA, the Victim Witness Unit at USAO will continue to share information on a case-by-case basis, and make individual decisions on which agency will provide what services to the victim. In the ordinary course, the Victim Specialist for FBI will open a matter in the Victim Notification System (VNS) under the agency's investigation number and will establish and maintain contact with the victim through charging. Because Indian Country Violent Crime cases are reactive in nature, AUSAs are made aware of their existence at the same time as the investigating federal agent learns of the case. Likewise, USAO Victim Advocates learn very early of the offence and the specific situation of the victim, and at that point, discussions begin with FBI or BIA about the nature of the matter and whether USAO Advocates will make earlier contact with the victim. Victim Advocates will ensure that, as a USAO matter is opened in LIONS, the VNS information links up so the victim is able to use the system to track case progress once the matter is charged.

In general, principal contact with the victim transitions to the USAO Victim Advocate at the point of charging, but it is frequently the case that the FBI or BIA Specialist also continues contact with the victim, when that FBI or BIA Specialist has specialized knowledge or ability suited to the victim's situation (or simply a desire to continue to be of service). In some cases, both USAO and FBI/BIA Advocates do a home visit to ensure the victim understands their roles and their mutual availability. The Plan encourages this flexible approach, without MOUs between the agencies, because of its responsiveness and the effectiveness with which services are provided.

When providing service to Indian Country victims requires native languages (including, for some tribal members, Spanish), the Advocates, several of whom speak native languages or Spanish proficiently, look to themselves first. If they do not speak the victim's language, they will utilize members of the tribal investigative agency.

V. Training

This Plan emphasizes training both as a way to improve the quality of criminal investigations, and therefore to increase the number of viable cases charged in Indian Country, and as a method for improving communication and trust between our Office and tribal police departments. The District employs a corps of AUSAs whose majority or sole responsibility is the investigation and prosecution of violent offenses in Indian Country, and each AUSA works in a defined reservation or (in the case of Navajo) region of a reservation. As a result, and because under our Plan each prosecutor is required to spend extensive time on their reservation learning and communicating with community members, the Plan does not focus on formal cultural or jurisdictional training for our personnel, as suggested by the Director's April 9, 2010 Memorandum. Rather, the Plan emphasizes heavily a program of both standardized and

customized training of tribal police, delivered by Indian Country AUSAs and federal agents, occasionally at the USAO but principally at tribal police facilities, to maximize attendance.

In assuming responsibility for all SLEC training in the District, which it conducts at tribal locations, the Office increases the visibility of many of its AUSAs in Indian Country, as all sections of the course are taught by the Tribal Liaison and a rotating combination of Indian Country AUSAs. This Office works closely with BIA in soliciting requests for SLEC certification or recertification training, and then scheduling that training at an accessible location for most officers. Thereafter, the planning, staffing and instructor presentation duties are turned over to the USAO, which has responsibility for the entire three-day course, up until the administration of the examination.

Under the Plan, the Office will petition the Department of the Interior, Indian Police Academy, to allow to the Tribal Liaison to revise the curriculum and examination for the SLEC course, so that tribal officers can receive training that is more aligned with the needs of federal criminal investigations in the judgment of this office.

Additionally, the U.S. Attorney, the Tribal Liaison and Deputy Tribal Liaison, and all Indian Country supervisors and AUSAs will actively market to tribal police departments, whether SLEC certified or not, the availability of standard or customized training presentations on any law enforcement topic they desire. Indian Country AUSAs have developed, and will continue to develop, presentation materials for topics including crime scene and evidence preservation, witness interviews, report writing, suspect interviews, chain of custody, search and seizure, sex crimes investigation, federal criminal procedure, and advice of rights under both federal law and ICRA. These modules will be developed as a result of our assessment of tribal police and federal agencies' specific needs, as determined both by the agencies' requests and by the observations of AUSAs.

Tribal police agencies already have begun requesting specific training under this initiative, and it is the goal of this Office to accommodate timely every such request. An AUSA responsible for the reservation or territory, a USAO supervisor, the Tribal Liaison, an AUSA with specialized expertise in the subject matter, or some combination of the above, will deliver the requested training at a time and place that we contemplate to maximize its availability to members of the requesting agency. Training sometimes will be held in conjunction with a scheduled MDT meeting.

VI. Outreach

Other parts of the Plan contain activities and programs that the Office broadly considers "outreach." However, this element will deal with those contacts, programs and initiatives that focus not on reactive criminal investigations and prosecutions, but on strengthening tribal communities and their governments (including tribal law enforcement agencies) to reduce and avoid criminal behavior. Our Office's Law Enforcement Coordinator and Community Outreach

Coordinator, along with the U.S. Attorney and other senior management, will take an active hand in identifying and developing these worthwhile efforts.²

As set forth above in Section III, this Office will continue to seek out and support viable opportunities for task force participation that includes tribal police agencies. The recent successes of such task forces on Navajo, Tohono O’odham (PSN), Gila River, Ak-Chin and Colorado River Indian Tribe, to name a few, will serve as models for emulation in other tribal communities.

Under the Plan, the Office developed a large-scale program for the appointment of tribal prosecutors from participating tribes as SAUSAs, to address criminal issues of particular interest to the participating communities. A pilot program was presented to tribal leaders at this District’s Tribal Consultation meeting on February 23, 2010. For a detailed description of the program, click [here](#). Throughout 2010 and early 2011, the USAO recruited the participation of tribes and at present has signed memoranda of agreement with nine tribal governments, who collectively have put 13 tribal prosecutors in to the program. The USAO kicked off the program in fall 2011 with a week-long training the SAUSAs in its Phoenix and Tucson offices, as described below. Those trained SAUSAs are now receiving and acting as counsel with AUSAs on federal cases in the areas of domestic violence (including that perpetrated by non-Indians on their Indian partners), violence against women in general, drug and bootlegging crime, and minor crimes against tribal casinos and other tribal facilities.

Under the SAUSA program, tribal prosecutors are trained by Indian Country AUSAs in federal procedure and laws, and USAO practices. After the formal training and shadowing AUSAs in federal court to see hearings throughout the life cycle of matters, the SAUSA return to their reservation. Then, working with tribal police in their own community, they evaluate cases of the above types that come to their attention and, in consultation with the USAO, decide whether the defendants are more effectively dispositioned through a tribal prosecution or a federal prosecution, or both. If tribal, the prosecutor handles the matter in tribal court. If federal prosecution is more appropriate and, in the judgment of the USAO, the case is viable, the tribal prosecutor participates in charging and prosecuting the case federally as a SAUSA, co-counseling with an AUSA. As the SAUSA becomes more proficient with early matters, the USAO seeks to expose them to more complex matters originating from their community.

The goal of this program is not the processing of more cases—in fact, we do not handle

² Examples of such outreach that the Office has undertaken in this planning period include our joinder in a habeas matter to support the ability of tribal courts to sentence defendants consecutively under the Indian Civil Rights Act; our serving as consultant for a tribe that is attempting to draft forfeiture statutes that would allow it to seize the property of tribal members distributing narcotics on tribal land; and our efforts to broker an agreement between BIA and state law enforcement that would confer SLEC status on the state agency to provide law enforcement services in tribal communities who desired their presence. The Plan calls for the Office to seek involvement in such efforts that benefit one or more tribes generally.

any additional cases because all matters assigned to a tribal SAUSA are co-counseled by an AUSA who would be on the case in any event. The District intends that the collaboration between SAUSA and USAO promote education among both, about both systems and what is possible under each. The District will continue to expand the program for all interested tribal prosecutor's offices.

Coordination with DOJ's Community Relations Service and Grant-making Components

The Plan reminds Indian Country AUSAs of the availability of the Department of Justice's Community Relations Service for tribal leaders' conflict resolution, facilitated mediation or conciliation between tribes and states or local governments. This Office regularly engages or briefs CRS's regional director on such conflicts between tribes and others.

The Plan requires that the District will be actively engaged in notifying tribal governments of all opportunities for governmental grants, which it does through direct contact and through the Inter-Tribal Council of Arizona. Additionally, this Office will seek to act as a clearing house to monitor the status of tribes' pending grant applications within DOJ components, such as COPS, OVW, SMART, OVC, OJJDP, BJA and BJS, and report that status to the inquiring tribes.

VII. Reduction of Violence Against Women and Children

This District will aggressively pursue the Attorney General's priority of reducing violence against women and children in Indian Country. This District has historically provided the resources to charge and prosecute every violent felony matter in Indian Country that was, in the judgment of its AUSAs, readily provable based on the evidence presented. The Plan elevates what this Office and its AUSAs are required to do in three principal ways.

First, our AUSAs will encourage the referral of misdemeanor cases involving non-Indian perpetrators of domestic violence, and we will prosecute all such viable cases presented. The police departments of many tribal communities, including the most populous and those located near large urban areas, report a substantial amount of domestic violence perpetrated on tribal members by non-Indians who live on the reservation with their partners. Because tribal courts have no jurisdiction over non-Indians, federal charges, even if they are misdemeanors, are the only avenue for interrupting cyclical violence and removing the perpetrator from the community and his victim. AUSAs have pursued, and will continue to pursue, such cases even where the victim is reluctant to support the prosecution, so long as there is a reasonable assessment that the elements can be proven.

Second, this office will "grow" the percentage (and raw number) of viable cases among existing referrals by improving the quality of investigations, through increased training of tribal investigators. A significant number of matters referred to us cannot be charged due to

insufficiency of the evidence developed. The Office will use its increase in Indian Country AUSA resources in part to provide training, as discussed in Section III, to tribal police on specific areas of investigation that require improvement.

Third, this Office has begun, and will continue, a [procedure to review the records](#) of all Indian Health Services facilities to ensure that every report of sexual assault made by a person appearing at an IHS facility seeking treatment results in a referral to law enforcement, and that all cases having credible evidence after investigation are pursued for charging. The Office will compare the number of sex assaults reported to IHS on a specific reservation over a defined period to the number of FBI matters involving sex assault from that reservation for the same period, and will trace discrepancies case-by-case, to determine if any gaps in referring viable cases exist; we will then close those gaps.

The office will engage with IHS administrators to promote programs like SANE, which ensure that emergency room nurses have adequate quantities of rape kits and are trained to use, store and transmit them properly. Testing will be handled by the Arizona Department of Public Safety Forensic Laboratory in all Indian Country sex assault investigations, by agreement between FBI and the DPS.

At present, FBI assumes the role of principal investigator in most Indian Country sex assault matters by agreement with BIA. If, as anticipated, FBI receives additional agents for Indian Country in Arizona for FY11, it will take on that role in all sex assault matters.

The District has associated itself with Northern Arizona University's National Domestic Violence Fatality Review Initiative to help adequately address lethality risks and safety considerations in domestic violence situations. This Office will use its participation in DV fatality review to help implement preventative interventions and develop heuristic models for tribal officers and first responders to analyze situations for possible DV and act accordingly to first provide safety to victims.

VIII. Accountability

AUSAs in Indian Country all have been trained on the proper use of the USA-5/5A system and its Indian Country categories to record their time properly, including weekly (at least) input of their time. This regime is enforced by the USA-5 system implementation in the District, which will not allow AUSAs to input time more than a week after the fact, and by inclusion in all AUSAs' work plans of an element requiring timely input of accurate data into USA-5. The District will give semi-annual refresher training on the use of the system and management's expectations of AUSAs in accounting for their time. Additionally, the respective criminal chiefs and violent crime section supervisors maintain statistics on each Indian Country AUSA's total number of files opened, number of cases and defendants charged, number of pleas, sentencing, trials, declinations and appeals achieved month-by-month. Management uses these statistics as a factor in performance evaluations, and as a benchmark to monitor and provide

feedback to AUSAs on their performance as an absolute and within the Indian Country groups.

IX. Continuous System Review

This District has dedicated considerable resources to improving public safety in Indian Country, including many of the best prosecutors in the District and considerable management attention. It has created and clearly communicated its expectation that time or effort will not stand in the way of achieving quality results, either in the Indian Country prosecutions undertaken, or in the assistance provided to tribes. To preserve these investments, the District's Operations Plan requires a program of constant review of all systems and procedures within the office that affect our provision of services to Indian Country, as well as the procedures of other federal agencies that bear on our work product. This review program, coupled with a proactive, aggressive practice of requesting changes in sister agency practices when we determine those changes will advance our mutual mission, already has resulted in significant improvements to public safety in Arizona Indian Country. As an example, the USAO determined that federal investigator staffing on a single reservation had decreased to zero, and therefore no Major Crimes matters were being investigated or referred to the Office for prosecution over a multi-month period. After identifying the issue through our review process, the Office contacted the Directors of both BIA and FBI and pointed out the agent shortage and the danger to public safety it represented, and requested adequate staffing to eliminate the case backlog on the reservation and provide for ongoing coverage of emerging matters. The U.S. Attorney's [letter to BIA](#) resulted in a reassignment of eight agents on short term detail to erase the case backlog, and the permanent staffing of four BIA agents to the reservation thereafter.

The above example is provided as a model. It should remind AUSAs to continuously seek to identify systemic hurdles to providing service in Indian Country, and then to identify solutions and pursue them vigorously. Our approach will also be to listen first to tribal officials in this task, as that is where so many of the most useful ideas have come from.