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U.S. Department of Justice
Natalie K. Wight
United States Attorney
District of Oregon

Indian Country Law Enforcement District Operational Plan

I. OVERVIEW

A. Introduction to the District of Oregon

Public safety in Indian Country is a top priority for the United States Attorney's Office (USAO) in the District of Oregon. This USAO has a proud history of actively engaging in government-to-government relationship building with the nine federally recognized tribal nations in the District of Oregon and intertribal organizations involved in law enforcement on Indian Country lands located within the district. Routine and meaningful government-to-government consultations with tribes and tribal organizations serve as a critical focus of this District's public safety efforts. Active, frequent, and concerted efforts to address crimes in Indian Country are pursued in coordination with our tribal, federal, state, and local law enforcement partners. To that end, we will continue our consultations with tribal nations to create and institute individually tailored programs for each unique tribal nation that we proudly serve.

The nine federally recognized tribes offer diverse cultures, distinct lifestyles and traditions. Few places offer the diversity of landscapes, natural beauty, and proud tribal cultures that are found within these nine tribal nations. The nine federally recognized tribal nations within the jurisdiction of the United States Attorney's Office for the District of Oregon are:

- ▶ Burns Paiute Tribe
- ▶ Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians
- ▶ Coquille Indian Tribe
- ▶ Cow Creek Band of Umpqua Tribe of Indians
- ▶ Confederated Tribes of Grand Ronde
- ▶ Klamath Tribes
- ▶ Confederated Tribes of Siletz Indians
- ▶ Confederated Tribes of the Umatilla Indian Reservation
- ▶ Confederated Tribes of Warm Springs

The USAO recognizes its trust responsibility to the federally recognized tribes within the District of Oregon. It has a specific responsibility for enforcement and prosecution of crimes falling within the concurrent jurisdiction of the federal government on the Burns Paiute, Warm Springs, Cow Creek and Umatilla Indian Country lands. The USAO recognizes that it has jurisdiction with authority to investigate and prosecute non-Indians for crimes occurring in Indian Country that involve Indian victims. In addition, the Chemawa Indian School is a federal enclave that falls under the USAO's criminal jurisdiction.

Pursuant to Public Law 280, jurisdictional authority regarding Major and General Crimes Act crimes has been delegated to the State of Oregon by the federal government with regard to the Confederated Tribes of the Coos, Lower Umpqua & Siuslaw Indians, Coquille, Grand Ronde, Klamath, and Siletz tribes. The state's jurisdiction is concurrent with the tribes' inherent jurisdiction over crimes occurring on their Indian Country lands.

There are also fishing sites within Oregon that constitute Indian Country. The USAO will continue to work with tribal nations that make up the Columbia River Inter-Tribal Fish Commission in coordinating law enforcement on the Columbia River.

As discussed in detail below, the United States Attorney for the District of Oregon has adopted the following Indian Country plan, which will govern its daily operations in Indian Country. This district's operational plan includes the following elements:

- ▶ Communication
- ▶ Investigations
- ▶ Federal Prosecutions
- ▶ Victim Advocacy
- ▶ Training
- ▶ Outreach
- ▶ Reduction of Violence Against Women and Children
- ▶ Missing and Murdered Indigenous Persons (MMIP) Initiative and Implementation of Savanna's Act
- ▶ Addressing Drug Trafficking & Substance Use Disorder in Tribal Communities
- ▶ Primary Challenges and Opportunities for Advancing Public Safety
- ▶ Annual Government-to-Government Consultations
- ▶ Review

II. OPERATIONAL PLAN

A. Communication

Direct, intentional, frequent, and meaningful two-way communication and formal consultation has been a hallmark of this District's interactions with tribal communities. The U.S. Attorney personally leads this effort, traveling often to meet face-to-face with tribal leaders in their communities. Furthermore, the USAO engages in annual government-to-government

consultations with tribal nations. To foster strong relationships, Tribal Liaison AUSAs will communicate directly with tribal officials and agency representatives about matters of general importance to the respective tribal nations and the USAO.

Contact Information for the Tribal Liaisons				
AUSA	TRIBE	ADDRESS	PHONE NUMBER	EMAIL ADDRESS
U.S. Attorney Natalie Wight	All 9 Tribal Nations	USAO 1000 SW Third Ave., Suite 600 Portland, OR 97204	(503) 727- 1000	
Tim Simmons	All 9 Tribal Nations & Chemawa Indian School	USAO 405 E. 8th Ave., Suite 2400 Eugene, OR 97401	(541) 465-6740	Tim.Simmons@usdoj.gov
Pam Paaso	Warm Springs	USAO 1000 SW Third Ave., Suite 600 Portland, OR 97204	(503) 727-1014	Pam.Paaso@usdoj.gov
Cassady Adams	Umatilla	USAO 1000 SW Third Ave., Suite 600 Portland, OR 97204	(503) 727-1084	cassady.adams@usdoj.gov
Jeff Sweet	Burns Paiute Cow Creek	USAO 405 E. 8th Ave., Suite 2400 Eugene, OR 97401	(541) 465-6903	Jeff.Sweet@usdoj.gov
Cedar Wilkie Gillette	MMIP Coordinator	USAO 405 E. 8th Ave., Suite 2400 Eugene, OR 97401	(541) 465-6045	Cedar.Wilkie.Gillette@usdoj.gov

Tribal Liaison AUSAs will communicate case-specific matters to the appropriate tribal officials and victims to ensure open and accurate communication while maintaining case-specific and individual victim confidentiality. We undertake regular case reviews with our tribal partners, which includes a training component from the Tribal Liaison AUSAs, the SAUSA, or the Tribal Victim Assistance Specialist. Communication efforts include informing tribal prosecutors and law enforcement regarding charging decisions, case log updates about court hearings, continuance requests, defense motions to suppress or dismiss, court rulings, and general case updates.

Where appropriate, and when discovery concerns are not present, the USAO will provide written declinations to the appropriate tribal and federal law enforcement officials. Tribal Liaison AUSAs will address case-specific declination issues, as well as statute of limitations, with tribal and federal law enforcement, tribal prosecutors, and other pertinent personnel. The

USAO will work with tribal and federal law enforcement officials to ensure thorough investigations, as well as successful and timely prosecutions in federal and tribal courts. Case reviews provide constructive discussions on improving investigations and prosecutions. Decreasing declination rates and improving prosecution conviction rates in federal court remain primary goals.

The Tribal Victim Assistance Specialist will communicate case updates, victim and community safety concerns, defendant custody status, protective and no contact order updates, victim rights and voice opportunities to tribal advocates and others as appropriate.

Quarterly, our office will send out an Indian Country Newsletter to local, federal, and tribal leaders, law enforcement, and advocates. The Newsletter highlights issues and trends, grant and training opportunities, cases, legal updates, and works to elevate Native victim voices in Oregon.

When possible, and in consultation with the crime victim(s), press releases on Indian Country cases will be produced to keep tribal communities and the general public timely apprised of case outcomes. If possible, victims will be consulted regarding whether a press release is issued, given advance notice that a press release is being issued, and consulted regarding the description of the crime and how the relationship between the defendant and victim is described. Ultimately, while victim input is important, the content, timing, and decision to issue the release is up to the USAO.

B. Investigations

1. Overview

The USAO has excellent working relationships with the Federal Bureau of Investigation (FBI), tribal police departments, Oregon State Police, and county/local law enforcement agencies that interact with tribal nations. Communication between law enforcement and Tribal Liaison AUSAs is critical to ensuring timely response to criminal activity, thorough investigations, and prompt decisions on prosecutions in Indian Country. We will facilitate the coordination and coverage of investigations in Indian Country, In Lieu and Tribal Fishing Access Sites, and at the Chemawa Indian School.

The USAO has federal jurisdiction over violations of general applicable crimes in Indian Country such as felons in possession of firearms/ammunition, drug trafficking, and gaming violations. Jurisdiction for these crimes applies to all of Indian Country, regardless of Public Law 280. We remain available to assist and facilitate cooperation of the law enforcement agencies and prosecution teams that handle criminal investigations for all tribal governments subject to the state's jurisdictional authority under Public Law 280.

Through government-to-government consultation, the USAO works with tribal governments to individually tailor protocols to address specific tribal government issues as needed. More generally, protocols for Major Crimes Act violations and any other applicable offenses in Indian Country are in place for each reservation served by the USAO. These

protocols provide clear instructions on investigative steps consistent with FBI and tribal protocols, suspect interviews and mandatory immediate notification to the USAO. Tribal contacts have around-the-clock contact information for the USAO. Cases are accepted for prosecution review directly from tribal police or in conjunction with the FBI. Cases are reviewed on an individual basis with no minimum threshold requirements beyond the facts of each case.

Tribal Liaison AUSAs conduct regular case reviews with tribal police and the FBI. Other efforts to address the myriad community safety concerns facing tribal communities include periodic meetings with representatives from tribal courts, tribal prosecutors, tribal investigators, tribal administrators, tribal victim advocates, child abuse advocates, tribal child protective service workers, forensic evaluators, tribal probation officers, the FBI, and the DEA. Discussions include tribal systematic issues in confronting gangs, drug trafficking, juveniles, registered sex offenders, child abuse and domestic violence. We will continue to hold these meetings with relevant local and state law enforcement representatives and tribal law enforcement officials to encourage cooperation and enhancement of government-to-government relationships. In addition, the Tribal Liaison AUSAs and the Tribal Victim Assistance Specialist meet regularly in Indian Country team meetings to review and address matters of District concern in Indian Country.

2. Warm Springs Multi-Disciplinary Child Abuse Team

The Warm Springs Multi-Disciplinary Child Abuse Team (MDT) was established to advise and assist each statutorily authorized agency with regard to its role in the assessment, investigation and prosecution of child physical and sexual abuse cases, and the treatment and protection of child victims and their families. The team's goal is to promote the welfare of children by reducing harm to children. The team meets to review every Child Protective Service and Law Enforcement generated report of child physical and/or sexual abuse. The team conducts training topics for all member agencies of the MDT. Subject matter experts offer presentations on child abuse related matters from their respective disciplines. These trainings serve to improve members' understanding of each MDT partner agency's role in child abuse prevention, investigation, and response.

The team has incorporated a Drug Endangered Children element to the MDT whereby members staff cases and address the harm to children exposed to substances and addiction. The team is creating formal protocols for each agency to discuss, provide feedback, and agree to, with the goal of consistent response to allegations of child physical and sexual abuse. In addition, the team has established a Child Death Review and Fetal Infant Mortality Review process which formally reviews and tracks child and fetal fatalities with an eye to prevention.

3. CTUIR Communication Procedure

The USAO will ensure tribal communication with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) includes tribal leadership beyond those directly involved in law enforcement and prosecution. This includes meeting at least twice a year, once in person

for an annual consultation and once virtually to update each other on issues of concern. The CTUIR and USAO will also develop written joint public communication procedures to improve coordination between them on rapidly developing cases of particular public interest and concern.

C. Federal Prosecutions

1. Overview

The District of Oregon continues to bring significant prosecutions related to Indian Country. The types of cases prosecuted are incredibly diverse, consisting of numerous violent crimes (homicide, domestic violence, sexual assaults, gang assaults, and firearms offenses), drug trafficking, and fraud/embezzlement cases.

Improving public and individual victim safety in tribal communities is a top priority of the Department of Justice and the USAO in the District of Oregon. We take our role as the primary prosecutor of serious crimes in Indian Country with the utmost sense of responsibility to citizens in Indian Country. To that end, the USAO is committed to working with tribal nations, as well as federal, state, and local authorities in efforts targeting the reduction of crime and harm to victims on tribal lands.

As has been our long-standing practice, we will continue to ask law enforcement to send us every case that is reported to tribal officers, tribal victim advocates, domestic violence advocates, child protection workers, federal agents, or state agencies who are involved with tribal nations. There has never been a threshold for our willingness to review a case report. Every case is reviewed with an eye toward prosecution in federal court where the facts satisfy the elements of applicable statutes, there is admissible evidence, and the case otherwise satisfies the requisite considerations of a federal prosecution. Prosecution decisions are generally based upon the following non-exclusive factors:

- ▶ Establishing Jurisdiction
- ▶ Federal Law Enforcement Priorities
- ▶ Nature and Seriousness of the Offense
- ▶ Provable Facts
- ▶ Search and Seizure Issues
- ▶ Victims' Rights/Concerns/Safety
- ▶ Witness Cooperation/Credibility/Availability
- ▶ Deterrence Effect of Prosecution
- ▶ Offender's Culpability
- ▶ Offender's Criminal History
- ▶ Probable Federal Sentence if Convicted
- ▶ Probable Tribal or State Court Sentence if Convicted
- ▶ Appellate Issues

As noted above, in those cases where prosecution is not possible, we provide declination

to the relevant parties, including notifying or coordinating notice to the crime victims. Case reviews with tribal and federal investigators will continue to address issues of jurisdiction, evidence gathering, investigative strategies and techniques, inter-agency cooperation, witness interviews, and prosecution.

D. Victim Advocacy

The USAO recognizes our responsibilities to victims of crime in Indian Country. We have an excellent Victim Witness Unit including a specifically designated Tribal Victim Assistance Specialist (TVAS) who works in conjunction with FBI victim specialists and tribal advocates to ensure victims of crime are accorded dignity, a voice, and all other rights to notification and participation in the criminal justice processes in federal court. We recognize the overall quality of justice sought by the USAO will include recognition of individual tribal needs for community restoration.

VW Contact Information			
VW Advocate	Address	Phone	Email Address
Amanda Reichmuth Supervisor Victim Witness Unit	USAO 1000 SW Third Ave., Suite 600 Portland, OR 97204	(503) 727- 1170	Amanda.Reichmuth@usdoj.gov
Ella LeVally Tribal Victim Assistance Specialist	USAO 1000 SW Third Ave., Suite 600 Portland, OR 97204	(503) 727-1172	Ella.Levally@usdoj.gov

The USAO’s Victim Witness Unit has extensive and well-defined procedures for serving victims of crime. The TVAS coordinates with FBI and tribal victim advocates, victim rights attorneys, and family service agencies. The TVAS diligently strives to provide meaningful and culturally relevant services to crime victims navigating the federal and/or tribal criminal justice systems. Every step is taken to ensure that someone is available to respond to a victim’s needs, from the inception of the investigation through sentencing. Communication between the AUSA, investigators, advocates, and crime victims remain a key part of our efforts in any investigation and prosecution.

The USAO will continue its efforts to communicate with community-based domestic violence and sexual assault advocates. The USAO is keenly aware of the difficult and unique challenges faced by victims of domestic violence and sexual assault. We will continue to advocate for a multi-disciplinary team approach to work cooperatively with tribal nations to address domestic violence and sexual assaults.

Specifically, the advocacy from the TVAS focuses on the following:

- ▶ **Belief** – Advocacy is based on belief of all crime victims. It is not the advocate’s role

to evaluate evidence or judge decisions. Crime victims feel and experience belief, and never doubt, from the TVAS. Additionally, the TVAS reframes procedures or questions that are relevant for prosecution to reinforce that they do not reflect disbelief or judgment on the victim.

► **Victim Voice** – For decades, peer-reviewed research and literature has shown that victims experience justice if their voice is heard. The TVAS ensures that victims are heard through the right to confer with prosecution to give input, especially in the outcome of the case, and the right to speak at detention, change of plea, sentencing, and post-conviction hearings. In addition to upholding these rights that give voice to tribal victims, it is protocol for the TVAS to contact the victim prior to the Initial Appearance hearing to seek input for the prosecutor to articulate and the judge to consider at the inception of the case in the court system. In fact, VTC procedures have been established for distance participation in federal court hearings from over 48 locations around the state, including from all but one reservation. When a victim is unable to attend in person or remotely but still wants to alert the court of her/his position, the TVAS works with the AUSA handling the hearing to ensure that the AUSA articulates the victim’s input on the record in open court, even when it disagrees with the government’s recommendation. Finally, the TVAS works hard to ensure that any victim who wants to attend a hearing is afforded that right regardless of ability to pay; being present, even without words, gives voice and power back to the crime victim.

► **Safety** – The TVAS works with the victim to establish a safety plan. This includes her/his safety in the community, accessing civil protective orders in state and tribal courts, as well as safety and privacy through the criminal justice system. In the federal criminal justice system in the District, victim names are kept confidential in all public pleadings and documents. The TVAS ensures victims are aware of defendant custody status, release conditions, and no contact orders from the federal criminal justice system, and coordinates with Pretrial Services, U.S. Probation, and AUSAs to ensure no contact orders are included in release conditions, detention orders, protective orders, and sentencing judgments.

► **Access** – Services can be exceptional, but it is imperative that crime victims can access advocacy services that are trauma-informed and in a culturally-relevant manner/delivery. The TVAS approaches advocacy and collaboration with cultural humility and as a learner. The TVAS continually seeks out opportunities to be trained, to listen and learn about different tribal experiences, and to attend cultural events and opportunities, so that crime victims are provided and can access services that are culturally and trauma informed. Collaboration with tribal advocates and other services and programs is intentional and regular. Communication with victims is open and delivery is respectful and in the manner that the victim identifies best serves her/him.

E. Training

The USAO will continue its training efforts to improve the quality of criminal investigations, prosecutions, and services to victims of crime in tribal communities. The Tribal Liaison AUSAs and the Tribal Victim Assistance Specialist provide a specialized training component during their regular tribal case reviews and with Chemawa Indian School officials.

In addition, when necessary, other training programs will be offered throughout the year by Tribal Liaison AUSAs, the Tribal Victim Assistance Specialist, and other AUSAs with specific expertise in pertinent subject matters. Target audiences for training opportunities will include federal, tribal, state, and local law enforcement personnel and advocates who are responsible for responding to crimes in Indian Country. Topics include jurisdiction; search and seizure; investigation protocols; courtroom testimony; interviewing suspects, witnesses, and victims; child physical and sexual abuse investigations; federal firearms cases; VAWA prosecutions; victim rights; protective orders; trauma-informed response; full faith and credit for protective orders; and other relevant topics.

The USAO is dedicated to exploring the applicability of cultural sensitivity training to employees whose responsibilities include Indian Country cases. The Tribal Liaison AUSAs and the Tribal Victim Assistance Specialist who handle Indian Country cases spend extensive amounts of time on tribal lands learning and communicating with tribal law enforcement, tribal agencies, and tribal victims. The USAO will continue to incorporate cultural sensitivity and humility training and experiences to ensure awareness of this important issue.

F. Outreach

Effective outreach is critical to our efforts to build better relationships with tribal nations. The U.S. Attorney will lead these efforts with regular outreach to tribal leaders in both formal and informal settings. The U.S. Attorney and Tribal Liaison AUSAs regularly communicate with tribal leaders and make frequent trips to Indian Country to meet with tribal officials.

Broadly speaking, the outreach efforts of the USAO include elements of prosecution case strategy, law enforcement training, victim services, tribal community-centered outreach, and statewide education regarding Indian Country jurisdiction. Specific outreach efforts include the following:

- ▶ Indian Country Newsletter published quarterly and distributed to Indian Country contacts.
- ▶ Indian Country grant opportunities.
- ▶ Coordination with the Department of Interior and Chemawa Indian School Officials.
- ▶ Warm Springs Child Advocacy Center.
- ▶ FBI Safe Trails Task Force cross-deputation of Warm Springs personnel.
- ▶ Encouragement of Safe Trails Task Force cross-deputation of Umatilla Tribal Police Department personnel.
- ▶ Training and enforcement coordination with CRITFE personnel.
- ▶ Enhancing the tribal SAUSA program.
- ▶ Appellate Chief's assistance to tribal attorneys and AUSAs on Indian Country cases.
- ▶ Facilitating training with Oregon Legislative Commission on Indian Services.
- ▶ Domestic violence prevention efforts with partners in tribal communities.
- ▶ Working with Court and tribal community partners to develop a Tribal Re-Entry Court.
- ▶ Focusing investigations that impact the most vulnerable tribal members, including the Missing and Murdered Indigenous Persons (MMIP) movement and cases.

- ▶ Further development of the DOJ MMIP Initiative.

G. Reduction of Violence Against Women and Children

Addressing violence against women and children will continue to be a focus of the USAO. In keeping with the Major Crimes Act investigation protocols noted above, the USAO will continue to investigate every reported act of domestic violence and crime committed against children that is referred to our office. We encourage tribal law enforcement, domestic violence advocates, victim-witness specialists, child protection service (CPS) workers, and educators to work collaboratively with tribal communities to encourage disclosure of any act of violence toward women and children. The USAO will vigorously investigate and prosecute these offenses. The USAO actively engages with tribal entities in community education events and training on domestic violence, human trafficking, child abuse, and firearms violations. Specific efforts include written Major Crimes protocols outlining the notification and investigative responsibilities of the FBI, tribal, and local law enforcement officers involved in each case; communication and training to local, federal, and tribal law enforcement around the impact of upholding full faith and credit of protective orders; as well as participation in MMIP awareness communication and events around the state and in our own USAO Indian Country Newsletter.

H. MMIP Initiative and Implementation of Savanna's Act

In November 2019, the U.S. Department of Justice launched the MMIP Initiative, a national strategy to address MMIP that included the hiring of MMIP Coordinators to serve with the U.S. Attorney's Offices in 11 states, including Oregon. Cedar Wilkie Gillette was hired as the District of Oregon Missing and Murdered Indigenous Persons Coordinator on June 8, 2020. As the MMIP coordinator, Ms. Wilkie Gillette gathers reliable data to identify the MMIP cases connected to Oregon; conducts outreach with tribal communities to assist in the creation and implementation of community action plans; coordinates with tribal, local, state, and federal law enforcement in the development of protocols and procedures for responding to and addressing MMIP cases; and promotes improving data collection and analyses throughout Oregon.

As part of its MMIP Program, the District of Oregon produced an MMIP Report in February 2021 and completed a MMIP Tribal Community Response Plan with the Confederated Tribes of Warm Springs in July 2023. At the beginning of 2022, the District of Oregon established an MMIP Working Group to increase multi-agency communication and collaboration in support and response to Oregon connected MMIP cases. The Working Group includes at least one tribal representative from each of the nine federally recognized tribes in Oregon, the FBI, the Bureau of Indian Affairs (BIA), Department of Interior Regional Solicitor's Office, the U.S. Marshals Service, the State Attorney General's Office, and the Oregon State Police.

In April 2022, the District of Oregon issued Savanna's Act regional guidelines for responding to MMIP cases. Savanna's Act requires United States Attorneys to develop "regionally appropriate" guidelines to respond to cases of missing or murdered American Indian and Alaska Natives. 25 USC § 5704. These guidelines address (1) interjurisdictional law enforcement cooperation and protection order enforcement, (2) best practices for searching for missing persons, (3) standards on data collection, reporting and analysis, and identification and

handling of human remains, (4) law enforcement agencies responsible for entering information into appropriate databases when Tribal law enforcement agencies do not have access to such databases, (5) improving law enforcement agency response rates and follow-up responses to missing persons cases, and (6) access to culturally appropriate victim services. The guidelines provide a roadmap for how missing persons cases should be handled in the District of Oregon and suggest protocols for addressing missing cases expeditiously. The District of Oregon Savanna's Act Regional Guidelines are law enforcement sensitive and are available to law enforcement officials upon request.

I. Addressing Drug Trafficking and Substance Use Disorder in Tribal Communities

The USAO is committed to working with Tribal leaders to address drug trafficking and substance use in Tribal communities. The USAO understands that each Tribal community is unique and the challenges in addressing drug trafficking and substance use will vary from Tribe to Tribe. The USAO will work with each individual Tribal nation to develop a strategy tailored to address the needs of individual Tribal communities.

The USAO's strategy to combat drug trafficking and substance use in Indian country will be developed in consultation with each Tribal nation to identify the specific needs and issues relevant to their Tribal communities. In addition to routine discussions as part of the yearly USAO-Tribal district consultations, the USAO will interact with Tribal leaders and relevant law enforcement agencies to develop an appropriate strategy and evaluation of relevant factors including whether and when targeted prosecutions could have a significant effect on public safety in the community. The USAO strategy will include working with Tribal nations to develop a Fentanyl Interdiction Strategy focused on addressing activity related to their tribal communities.

The USAO strategy will assist in establishing operational partnerships between federal, Tribal, state, and local law enforcement to combat drug trafficking and substance use in Indian country. Since law enforcement alone cannot solve the substance abuse crisis, the USAO strategy will address the challenge through a wide range of resources and strategies. The USAO also supports the development of Tribal Action Plans, which provide a framework for how a Tribal community can proactively address alcohol and substance use disorder in culturally responsive ways that meet the needs of the particular community. These Tribal Action Plans can create an opportunity to partner with Tribal drug courts and other programs providing recovery support services.

J. Primary Challenges & Opportunities for Advancing Public Safety In Indian Country

Addressing jurisdictional challenges that are unique to Indian Country is a primary concern for the USAO. The USAO will work with tribal leaders, state and local officials, and our federal partners to improve our response to public safety issues in Indian Country. Responses to such challenges provide opportunities for advancing public safety in Indian Country and include the following:

► **Special Law Enforcement Commissions (SLEC)** – The USAO has worked with representatives of BIA/Office of Justice Services, Columbia River Inter-Tribal Fisheries

Enforcement (CRITFE), and tribal police departments to facilitate the necessary training for tribal officers to obtain SLEC cards. The USAO works closely with our tribal community partners to identify the need for SLEC training and conduct such training in Indian Country.

► **Tribal SAUSA** – The District of Oregon has an established Tribal Special Assistant United States Attorney (SAUSA) with the Confederated Tribes of the Umatilla Indian Reservation (Umatilla Tribe). Since the SAUSA also serves as the tribal prosecutor for the Umatilla Tribe,

the District of Oregon is better able to address overall criminal justice and expand coordination between the federal system and the tribal justice system.

► **VAWA “Special Tribal Criminal Jurisdiction”** – The Umatilla Tribe was one of the few tribes which applied for and was granted “Special Domestic Violence Criminal Jurisdiction” when originally established under the 2013 Violence Against Women Reauthorization Act (VAWA 2013). The “Special Domestic Violence Criminal Jurisdiction,” allowed for the prosecution of non-Indians for certain domestic violence related crimes, was granted to the Umatilla Tribe as part of a Pilot Project in 2014. The Umatilla Tribe expanded to the VAWA “Special Tribal Criminal Jurisdiction” in 2022 and continues to exercise this important aspect of jurisdiction.

► **Human Trafficking** – The USAO works with the FBI, tribal law enforcement and local law enforcement to investigate human trafficking. The MMIP movement has gained momentum and awareness in our District through grassroots efforts, through recent local legislation focusing on collaboration and cross reporting, as well as through our own participation in local events and proclamations. We recognize that these investigations can be time and resource intensive, and thus we work with victim-witness coordinators and child protection service (CPS) workers to encourage the disclosure of labor or sex trafficking. The USAO will vigorously investigate and prosecute these offenses. The USAO works with the FBI and tribal law enforcement to conduct training specific to the challenges and opportunities posed by casino and lodging facilities, as well as additional training on human trafficking with tribal entities.

► **Indian Country and Chemawa CVB Docket** – The District of Oregon worked with the United States District Court to establish and adopt a Central Violations Bureau (CVB) collateral schedule for Indian Country and for Chemawa Indian School in 2015. The Indian Country CVB schedule enables officers to cite non-tribal members for 21 different misdemeanors on tribal lands. The Chemawa Indian School CVB schedule enables officers to cite adults for misdemeanors at Chemawa Indian School. The District of Oregon developed and conducts trainings for tribal officers and school police issuing CVB citations.

► **Jurisdictional Training** – The jurisdictional maze created by federal and state law with respect to law enforcement in and around Indian Country has created practical difficulties for tribal, state, federal law enforcement, and justice personnel. Addressing the issues presented by the challenge of patchwork areas of jurisdiction on some reservations and the interplay of multi-jurisdictional response by law enforcement is a priority. Accordingly, the USAO has worked

with tribal police departments, tribal leaders, the Oregon State Police, and the Oregon Attorney General's Office to conduct Indian Country jurisdictional training for tribal, local, state, and federal law enforcement agencies and judicial personnel. The USAO is in the process of finalizing a jurisdictional pocket guide for law enforcement as a quick reference in investigating and referring cases.

► **Tribal Fishing Rights in the Columbia Basin** – Tribal fishing rights in the Columbia River Basin is critically important to tribal nations within the District of Oregon. The USAO considers it an important trust responsibility to work with Columbia River Inter-Tribal Fish Commission (CRITFC) and Columbia River Inter-Tribal Fisheries Enforcement (CRITFE) in supporting the sovereignty of the tribes, the mission of managing fishery resources, and protecting reserved treaty rights. CRITFE maintains 24-hour effort to enforce fishing regulations and protect treaty tribal fishing rights. They protect the “In Lieu” and “Tribal Fishing Access Sites” (TFAS) that are for the exclusive use of the four tribes and their members engaged in their traditional fishing activities. They also protect archeological sites along the Columbia River Gorge. The USAO is committed to working with representatives of CRITFC, CRITFE, the four Treaty Nations, and other federal partners concerning jurisdictional issues, recognition of tribal sovereignty, and furthering law enforcement cooperation along the Columbia River Basin.

► **Gangs in Indian Country** – Gang violence and related activities continue to present public safety issues for some of the tribal nations in the district. Combating gang violence in tribal communities will continue to be a focus of our District's efforts to work in concert with our Tribal Liaison AUSAs and tribal partners.

► **Challenges of Funding & Law Enforcement for PL 280 Tribes** – It is a challenging time for tribal, state, local, and federal governments in addressing budget constraints and limitations. The USAO is committed to working with Public Law 280 tribal nations to ensure public safety. We will continue to consult with tribal leaders, and local and state law enforcement agencies who have the responsibility to provide law enforcement and prosecution services. We regularly send grant opportunities to Indian Country contacts that address specific law enforcement and public safety needs such as serving crime victims and addressing the drug epidemic. In addition, the USAO TVAS is available to assist, advocate, or co-advocate on cases in these jurisdictions upon request.

► **Restorative Justice** – The District participates in several restorative justice programs and hopes to expand these important programs that show promise for reducing recidivism and assisting the offender in addressing accountability, criminal thinking, addiction, mental health issues and reentering the law-abiding community.

Re-Entry Court: The District operates a Re-Entry Court in Portland. A significant number of defendants from Indian Country cases participate in this post-conviction program and have found them helpful. The District continues to explore the establishment of a federal/tribal Re-Entry Court for eastern Oregon. Working in concert with tribal entities to assist tribal members who are returning to the Umatilla tribal community following incarceration would

benefit tribal communities. Such a program would encourage voluntary participants under federal and tribal supervision to commit to individualized plans for participants emphasizing sobriety, employment, and constructive problem-solving skills.

► **Cultural Resource Training** – Due to the substantial increase of looting and damage to cultural resource sites on federal, state, and tribal land, we have increased our interaction with tribes, federal agencies and state officials regarding the protection and prosecution of damage to cultural resource sites. The United States Attorney’s Office has assisted in coordinating efforts between state and federal law enforcement to address and prosecute these crimes. We will continue to work with state and tribal leaders to develop and conduct statewide cultural resource training and to coordinate discussion between federal and state law enforcement regarding these crimes.

K. Annual Government-to-Government Consultations

In addition to regular contact between the U.S. Attorney and tribal leaders, the USAO will engage in annual government to-government consultations with tribal nations in the district. These Consultations will be done in a manner consistent with the USAO’s responsibilities and mandate to meet with tribal leaders, as well as the needs and wishes of individual tribal nations. Each tribal nation will be encouraged to facilitate the setting and the agenda for these Consultations. The Tribal Liaison AUSAs and Tribal Victim Assistance Specialist will work with tribal officials to address the issues identified during the annual consultations.

L. Review

The District of Oregon is committed to its mission of ensuring public and individual victim safety in Indian Country. We will annually review the nature and quality of the District’s plan and its effectiveness internally, as well as with our tribal partners to ensure that we are addressing our responsibilities to tribal nations. The annual review will include an analysis of whether the operational plan is being met, how it can be improved, its successes, failures, and amendments.

M. Report

The USAO will produce an internal annual Indian Country report that will describe the USAO activities in Indian Country and the status of the District’s Indian Country plan.

N. Accountability

All USAO personnel working on Indian Country matters will ensure all matters arising from Indian Country are appropriately opened in Case View and all time dedicated to those matters is noted as Indian Country in the USA 5/5A category.