



Tribal Justice, Safety & Wellness  
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# DOJ Response to IC Crime

- 94 federal judicial districts
- 93 United States Attorneys – Presidentially Appointed and Senate Confirmed
- 44 Federal Judicial Districts have federally recognized tribes (include PL 280 jurisdictions)
  - Major Crimes Act
  - General Crimes Act
    - Assimilative Crimes Act
  - Federal Crimes of General Applicability
- Native American Issues Subcommittee – Chair, Brendan Johnson (SD)
- Native American Issues Coordinator

# DOJ Indian Country Initiative

- Listening Sessions announced at 2009 NCAI winter meeting
- DOJ Components tasked with identifying problems and solutions
- Seattle Session August 25-26
- Tribal Liaison Session September 11
- FBI IC Special Agent and Victim Witness Session September 14
- Santa Ana Pueblo Session September 21-22
- Native American Issues Subcommittee October 8
- Attorney General's Session with Tribal Leadership October 28-29
- White House Tribal Leaders Event – November 5

# EOUSA Deliverables

- National Indian Country Training Coordinator Attorney Advisor position @ Office of Legal Education
- DAG Indian Country Memorandum – Issued 1/11/10
- EOUSA Guidance Document on USAO Operational Plans- Issued 4/9/10
- FY 2010 \$6 million appropriation for IC - AUSAs to over 20 districts
- Funding of 3 Community Prosecution Teams (EWI, NM, and SD)

# EOUSA Deliverables Continued

- Development of Tribal SAUSA Violence Against Women Pilot Project
- Rewriting EOUSA EARS Indian Country Management Standard and relevant interviewing guidelines
- Violence Against Women Prosecution Task Force – focused on prosecution and investigation – will be mix of federal and tribal participants
- USA Bulletin dedicated to Indian Country – July 2010
- Basic Gang Training Pilot – National Gang Center
- National Tribal Justice News

# Children Exposed to Violence – Attorney General Priority

- National Survey of Children’s Exposure to Violence – measured the past-year and lifetime exposure to violence for children age 17 and younger
- Year prior to being interviewed
  - 1 in 20 witnessed someone being shot
  - 1 in 200 witnessed a murder
  - 1 in 50 sexually assaulted
- More than 60% of children surveyed were exposed to violence with the past year, either directly or indirectly
- Solicitation closed on June 1<sup>st</sup> – will fund 8 sites to plan for CEV project: will include tribal sites.

# DAG Memo 1/11/10

- “Public safety in tribal communities is a top priority for the Department of Justice.”
- “I direct every USAO with IC in its district to engage annually, in coordination with our law enforcement partners, in consultation with the tribes in that district.
- “I direct all such USAOs to develop an operational plan addressing public safety in IC.”
  - Within 8 months of new USA taking office and review and update annually

# More DAG Memo

- “Addressing violence against women and children in IC is a Department of Justice priority.”
- “The Department, through the USAOs, has a duty to investigate and prosecute serious crimes in IC, including crimes against women and children.”
- “Reports of sexual assault or domestic violence in IC should be investigated wherever credible evidence of violations of federal law exists, and prosecuted when the Principles of Federal Prosecution are met.”



# More DAG Memo

- “Where federal jurisdiction exists, the responsibility to investigate and prosecute violence against women in IC also extends to misdemeanor assaults committed by non-Indian offenders against Native American women on federally recognized reservations.”
- “Due care should be exercised to recognize ongoing risks to victims in sexual assault and domestic violence cases, and to expeditiously make charging decisions in high-risk cases to minimize or eliminate those risks.”

# DAG Memo Concluded

- “In developing district-specific operational plans for public safety in tribal communities, I direct every U.S. Attorney to pay particular attention to violence against women, and to work closely with law enforcement to make these crimes a priority.”
- “The Department has a responsibility to build a successful and sustainable response to the scourge of violent crime on reservations.”

# Operational Plan Guidance

- Plans should address the following core components:
  - Communication
  - Investigations
  - Victim advocacy
  - Training
  - Outreach
  - Violence against women
  - Accountability

# Communication

- Describe the process for informing tribal law enforcement about charging decisions

# Investigations

- Child Protection or Multidisciplinary Teams convened to investigate or provide case management for child abuse and/or child sexual abuse cases.
- 18 United States Code 3509(g)

# Training

- A plan for conducting a training needs assessment for federal, state, and tribal law enforcement.
- A strategy to meet the training needs of federal, state, and tribal law partners.

# Violence Against Women

- Sexual Assault Cases
  - Ensure medical professionals and law enforcement personnel have rape kits available
  - Victims have access to competent and compassionate medical professionals with the requisite skill to perform medical examinations
  - Accredited labs to timely analyze rape kits and other forensic evidence
  - Evaluation of existing MOUs that assign responsibility to federal agencies for investigating sexual assault cases

# EOUSA Federal Domestic Violence Crimes Training DVD

- Funded by OVC
- Working group meeting on November 17-18, 2009
- Topics to be included: elements of federal offenses, safety planning and lethality assessment, pre-trial release considerations and sentencing options.
- Ongoing efforts to identify cases to highlight and victims, law enforcement, prosecutors, advocates and others to interview
- Target release date = Summer/Fall 2010