

The United States Attorney's Office for the District of Arizona developed its Operations Plan for Public Safety in Indian Country in part as a requirement imposed by the Deputy Attorney General on all United States Attorneys with Indian Country within their districts.<sup>1</sup> Here in Arizona, we were already in the process of developing this plan before being directed to do so. In February 2010, we invited Tribal leaders and our public safety partners working in Indian Country to a planning session to discuss ways to increase and improve our collaboration on public safety issues. The United States Attorney for the District of Arizona has also traveled to tribal communities and met with many of Arizona's tribal leaders individually to discuss tribe-specific public safety concerns and recommendations. Through these efforts we have received valuable guidance that has formed the foundation of our Operations Plan. The Operations Plan also incorporates many of the best practices we had developed over time and institutionalizes them so that going forward, we can build upon the progress we have achieved.

The Operations Plan includes several guiding principles. First, our work with tribal governments will be based on mutual respect. We will discuss plans with our tribal public safety partners before implementing them, but more importantly, we will listen to tribal concerns and recommendations and strive to incorporate tribal feedback into our policies and procedures. Second, our work in Indian Country is and must continue to be collaborative. Partnering with tribal and federal law enforcement agencies, social service providers, victim advocates, and elected officials, we will improve the results we achieve in public safety matters within Indian Country.

The Operations Plan has several components.

## **Communication**

The Deputy Attorney General's directive regarding communication focused on charging decisions and declinations. One of the first commitments United States Attorney Dennis Burke made upon his confirmation was to inform tribal prosecutors within 30 days whether a matter submitted for prosecution would be accepted, declined, or additional investigation would be sought. He also invited tribal prosecutors to meet personally with their federal counterparts to discuss individual cases, review files, and encouraged federal investigators to make evidence available for possible prosecution in tribal courts. In addition, the District of Arizona has a Tribal Liaison and Deputy Tribal Liaison who coordinate communication with Arizona's 22 tribal governments and federal law enforcement agencies. The District Tribal Liaison and

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<sup>1</sup>By memorandum dated January 11, 2010, the Deputy Attorney General of the United States directed all United States Attorneys whose districts include Indian Country to develop operational plans for public safety in Indian Country and acknowledged that "public safety in tribal communities is a top priority for the Department of Justice."

Deputy also coordinate activities with the Arizona Tribal Prosecutors Association,<sup>2</sup> the Indian Country Intelligence Network,<sup>3</sup> and the Inter Tribal Council of Arizona.<sup>4</sup> Assistant United States Attorneys (AUSA) working Indian Country matters who are assigned to Flagstaff, Phoenix, and Tucson also perform liaison duties. These AUSAs routinely attend multi disciplinary team (MDT) meetings with the tribes for which they have prosecuting responsibilities.

## **Investigations**

The United States Attorney's Office for the District of Arizona (USAO) has long enjoyed strong working relationships with the federal and tribal investigative agencies working in Indian Country. The USAO has sought to improve its coordination with its law enforcement partners by increasing participation in task forces, MDTs, utilizing cross-deputation agreements, and expanding the role of the Central Violations Bureau for misdemeanor offenses occurring in Indian Country.

## **Victim Advocacy**

It is undisputed that victims of crime have rights including the right to participate in each phase of their case including charging decisions, plea offers, trial preparation, and sentencing. The USAO seeks to ensure that victims are afforded these rights not only because we have a legal obligation to do so but also because of our concern for the members of the communities we serve. Our Victim Witness Advocate Unit has extensive policies and procedures for ensuring that victims are able, to the extent they wish to and are willing, to participate in every phase of the criminal justice process. We have a team of extraordinary advocates. Some come from Arizona's tribal communities, are familiar with tribal cultures, and speak the languages of the victims they serve.

## **Training**

Effective coordination between prosecutors and law enforcement is critical to improving public safety in any community. One of the ways the USAO strives to improve coordination is by providing training to its federal and tribal law enforcement partners so that information on best practices and successful investigative techniques can be shared and utilized throughout the District of Arizona. The USAO has provided specialized training for investigators working on homicide and child sexual abuse cases. The USAO has also assumed responsibility for providing the Special Law Enforcement Certification (SLEC) Training so that more officers can

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<sup>2</sup>The Arizona Tribal Prosecutors Association is comprised of the Chief Tribal Prosecutor or his or her designee for many of the tribal governments in Arizona.

<sup>3</sup>The Indian Country Intelligence Network or ICIN is comprised of the executive leadership of tribal law enforcement agencies from tribes throughout Arizona.

<sup>4</sup>The Inter Tribal Council of Arizona or ITCA is comprised of the senior elected leadership of 21 of the 22 tribal governments in Arizona.

receive this important designation as federal officers. By assuming the responsibility for SLEC training the USAO has helped tribal law enforcement agencies receive training more conveniently and cost-effectively and has made the re-certification process more accessible.

## **Outreach**

Each of the components of the Operations Plan discussed above - communication, investigation, victim advocacy, and training - involve an element of outreach. The USAO also has a dedicated outreach function whose role in Indian Country is to encourage participation in targeted programs such as Project Safe Neighborhood, the Safe Trails Task Force, and the Weed and Seed program. The USAO is also increasing its advocacy to encourage tribal participation in a variety of Department of Justice grant programs.

## **Reduction of Violence Against Women and Children**

One of the Attorney General's stated priorities for the Nation including Indian Country is to reduce violence against women and children. Here in Arizona, we are seeking to address the unacceptable rates of domestic violence and sexual assault committed against women and children in Indian Country by increasing the number of misdemeanor domestic violence prosecutions, improving domestic violence and sexual assault investigations through enhanced training and resources, and coordinating with other entities like the Indian Health Service to ensure treatment for domestic violence and sexual assault related injuries result in referral for prosecution as required by federal law. We are also partnering with the Bureau of Indian Affairs to fund a special Assistant United States Attorney position to focus on domestic violence cases in Indian Country.

## **Accountability and Continuous System Review**

The USAO intends for the Operations Plan to be an evolving document. It is a means by which our public safety partners can participate in meaningful review of our activities and a mechanism for providing concrete guidance. The Operations Plan is one of the ways we demonstrate our willingness to hold ourselves accountable. It is also an invitation to our tribal public safety partners to provide oversight and guidance to ensure continuous improvement.

This Operations Plan was developed while the Tribal Law and Order Act was under consideration by Congress and incorporates many of the Act's requirements, often going beyond what is required.