

UNITED STATES ATTORNEY'S OFFICE EASTERN DISTRICT OF WASHINGTON



INDIAN COUNTRY LAW ENFORCEMENT INITIATIVE OPERATIONAL PLAN

Effective June 1, 2020

United States Attorney Offices, Eastern District of Washington

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INTRODUCTION

The Eastern District of Washington, with the exception of one large metropolitan area (Spokane) and two medium-sized metropolitan areas (Tri-Cities and Yakima), is generally rural in nature. Four tribal reservations are located within the District -- Confederated Tribes of the Colville Reservation; the Kalispel Tribe of Indians; the Spokane Tribe of Indians; and the Confederated Tribes and Bands of the Yakama Nation. Each Tribe is designated as a partial PL 280 Tribe.¹

The Federal Bureau of Investigation investigates major crimes on all four reservations. Investigations of matters occurring within the exterior boundaries of the Spokane Tribe of Indians, the Confederated Tribes of the Colville Reservation and Kalispel Tribe of Indians are generally handled by the FBI's Spokane Office. Investigations within the exterior boundaries of the Yakama Reservation are generally investigated by the FBI's Yakima office. Cases involving tribal members and attendant issues are handled by the U.S. Attorney's Office for the Eastern District of Washington (USAO), which has offices in Spokane and Yakima, Washington.

All four Tribes in the District have their own tribal police departments as well. The tribal police, which employ a number officers who are members of federal task forces, often work hand in hand with the FBI and respond in concert. Tribal prosecutors from the four Tribes likewise work closely with AUSAs from the USAO to handle the prosecution of criminal matters in federal, state, and federal court in the District.

OPERATIONAL PLAN

The purpose of this Operational Plan is to set forth aspirations for the USAO in working with the Tribes to improve public safety. It is understood that there may

¹ In 1963, Washington assumed jurisdiction over criminal offenses on the Yakama Reservation under Public Law 280, a 1953 federal statute. *See* Pub. L. No. 83-280, § 7, 67 Stat. 588. In 2014, the Governor of Washington partially retroceded that jurisdiction in a proclamation accepted by the United States. *See* Acceptance of Retrocession of Jurisdiction for Yakama Nation, 80 Fed. Reg. 63,583, 63,583 (Oct. 20, 2015) ("Retrocession Acceptance"); *see also* 25 U.S.C. § 1323(a).

be adjustments to this Operational Plan based upon experience and ongoing conversations between the USAO and the Tribes.

There are basic components of an Operational Plan that are applicable to all Tribes. Consequently, Part One addresses those basic components. Part Two discusses unique characteristics of each Tribe.

Part One: Basic Components

A. Communication

General: It is important that tribal leaders have information about the USAO's efforts to combat crime in Indian Country. To the extent that it can ethically and legally do so, the USAO will provide matter-specific information to the tribal leadership, law enforcement and prosecutor as the matter is both charged and resolved.² The USAO will provide press releases about dispositions and sentences to each of the Tribes in the District and to the Department of Justice. The USAO will continue, through email and liaison visits, to provide District-specific and national information to tribal leaders about relevant Indian Country issues and matters. The USAO will make reasonable efforts to regularly communicate relevant matters to the tribal chairperson, when appropriate, as well as to tribal prosecutors and/or law enforcement personnel.

Investigations and Prosecutions: This Operational Plan is designed to promote a careful review of every matter referred to the USAO for prosecution consideration. Such review will include discussions at the investigatory level; thoughtful, careful and timely review upon referral to the USAO; and a complete discussion of any reasons for declination, should there be one.

The USAO will inform tribal law enforcement about charging decisions for those matters referred for prosecution consideration, including matters not filed or resolved in federal court.

² The USAO is limited on certain information that can be shared (i.e. Grand Jury evidence and testimony, Title III material, and other confidential witness information, as an example) and the USAO would expect to follow the victim witness protocol with victims and witnesses involved in the matter.

Matters are staffed by either the Tribe or the USAO will be discussed, whenever possible, on a regular basis so that the most appropriate charging decision, both as to crime charged and charging jurisdiction, can be made as quickly as possible.

USA Communication and Interaction with Tribal Leaders: The USA will visit each tribal reservation in the District at least once each year to meet with the Tribal Chair and Business Council for a government-to-government consultation. In addition, the USA will contact the Tribal Chair and/or other tribal officials about other news of significant interest to the Tribes.

The USAO's Tribal Liaison, or a representative of the USAO, will endeavor to confer regularly with members of tribal law enforcement and the tribal prosecutor's office. On a regular basis, the USAO's Tribal Liaison, or a representative of the USAO, will visit each tribal reservation to meet with the Police Chief, Prosecutor, Tribal Judge(s) and other personnel associated with the enforcement of criminal justice on each respective reservation. There may be times when more frequent visits are necessary or requested, and the USA will make every effort to comply.

In addition, the AUSAs assigned to matters arising on the reservations are expected to be in regular contact with tribal law enforcement and the prosecutor, particularly on the matters to which they are assigned. It should be understood that there may be certain information that the USAO may not be able to legally or ethically share with others, the disclosure of which may jeopardize someone's health or safety or compromise law enforcement efforts.

Finally, the USAO's Tribal Liaison and/or Law Enforcement Coordinator will share grant opportunities with each of the four Tribes by way of timely e-mail notifications.

USAO/Tribal Prosecution Conference: On a bi-monthly basis (or more frequently if necessary), the tribal prosecutor(s) and/or representatives from federal and tribal law enforcement who staff matters that have arisen on the reservation will confer to discuss the status of investigations and ongoing matters. Such discussions will include, for example, the viability of prosecution in tribal or federal court. Where applicable, such conferences and discussions may occur in Multi-Disciplinary Team meetings, which are held regularly with the respective Tribes.

Communications Regarding Declinations: Whenever possible, the resolution of matters that are referred for consideration of federal prosecution, and later resolved by referral to the tribal court or declined because of an inability to prosecute, should be communicated with the tribal prosecutor and/or law enforcement before the referring Tribe's statute of limitations period expires. In most instances, a declination should be communicated in writing by the Tribal Liaison, or another representative from the USAO, to the referring Tribal law enforcement entity. Such declination letters should identify the reason for the declination, where possible, in general terms. The USAO's Tribal Liaison will be available to answer questions and provide legal analysis relating to any such declination.

Sharing Information With Tribal Prosecutor: If a matter is not accepted for federal prosecution and is referred to tribal court, the lead investigative agency will, as soon as possible, provide the tribal prosecutor with all appropriate reports, evidence, and information available to assist in the prosecution, if the matter moves forward. The USAO will, within legal and ethical limitations, provide the Tribal prosecutor all pertinent discovery information it may have.

Sharing Information Among Investigative Agencies: Investigators rely on databases as part of conducting investigations and agencies should endeavor to share information by computer through databases and other on-line services. It is important that all investigative agencies working in Indian Country have access to software and computers that allow them to share information with each other.

B. Investigation and Prosecution

A primary goal of the District Operational Plan is to enhance law enforcement coordination in Indian Country investigations. The following guidelines are applicable to the USAO's work with each of the Tribes in the District.

Law Enforcement: The investigating agency (or "lead" agency), will be primarily responsible for conducting and coordinating the investigation, presenting matters to the USAO, and assisting the USAO at all stages of prosecution. It is expected that if the lead agency is somehow unable to conduct or complete an investigation or provide such assistance, other law enforcement agencies may undertake the investigation / assistance.

Generally, the first law enforcement officer at a crime scene will be responsible to secure the scene, preserve evidence, identify witnesses and participants, and take such other steps as may be required to insure an effective investigation.

Preservation of the crime scene is of utmost primary concern.

Violent crime, including those that involve serious domestic violence, will be given priority. These matters will be discussed on a regular basis by tribal law enforcement officers and FBI, as well as the Tribal Prosecutor and Tribal Liaison to insure that such crimes are timely investigated and resolved in the appropriate judicial forum. For violent crime, particular attention will be focused on establishing an effective communication process between tribal law enforcement, the Tribal Prosecutor and the USAO Criminal Chief and/or Tribal Liaison for review of matters referred for federal prosecution.

Drug abuse has been identified as a problem on each of the Reservations within the District. The USAO, working with federal and tribal enforcement, is committed to prosecuting serious drug offenses rising to the level of sale, distribution, or possession with intent to distribute narcotics on the various reservations.

Joint investigations involving the FBI are mandated in matters involving all major crimes, including death, sexual abuse, rape, kidnapping, arson, assault, and crimes involving weapons. Each agency should work within legal, ethical and regulatory boundaries to share information, provide timely copies of reports, and fully communicate with the other agency concerning all matters relevant to an investigation. To the extent possible, resources of one agency will be made available to the other to assist in matter investigation and prosecution in tribal and/or federal court.

Prosecution: It is the role of the USAO's Criminal Chief, together with the Tribal Liaison, and tribal prosecutor to make timely determinations concerning whether matters will be prosecuted in federal or tribal court, or unable to be prosecuted. Such determinations serve to maximize resources and provide victims with justice and closure as soon as possible. In this vein, it is the goal of the USAO to resolve matters in a timely fashion. Meeting this goal is dependent upon the timely completion of necessary investigative tasks, receipt of the investigation reports, and completion of any forensic testing.

Guidelines and Threshold Requirements for Indian Country Matters: The USAO will, in accordance with the long-standing principles of Federal prosecution, endeavor to prosecute every viable federal crimes occurring in Indian Country based upon the application of the law and facts of that matter and the available resources that can be applied to the prosecution.

Task forces operating in Indian Country: Currently the FBI operates a Safe Trails Task Force that focuses primarily on two of the four Tribes in the District. The FBI also operates two Safe Streets Task Forces that, as the circumstances arise, deploy investigative resources within each of the four Reservations within the District. With respect to the Yakama Nation, the Yakima-FBI Task Force focuses on crimes that occur within the Yakama Reservation. The USAO fully supports the creation and continuance of a U.S. Marshal Service-sponsored Violent Offender Fugitive Task Force operating within the Yakama Reservation.

Child Protection or Multi-Disciplinary Teams (18 U.S.C. § 3509(g)) convened to investigate or provide case management for child abuse and/or child sexual abuse matters. There are currently Multi-Disciplinary Teams (MDTs) operating on three of the reservations in the District. There is significant spill-over crime among the Tribal communities and neighboring counties, especially crimes involving children. To that end, if set up successfully, MDTs may include members that are employed by neighboring jurisdictions.

Cross-Deputization Agreements and Memoranda of Understanding (MOUs): Tribal, State, and local cross-deputization Agreements/ Memoranda of Understanding (MOUs) are actively pursued and utilized by all Tribes in the District. The USAO promotes the benefits of such MOUs for the Tribes and local governments adjacent to the Reservations and will assist in structuring MOUs in a way that recognizes the concerns of both the local governments and the Tribes.

C. Victim Advocacy

Statutory Responsibility: The Crime Victims' Rights Act (18 U.S.C. § 3771) establishes the rights of crime victims in federal criminal proceedings and provides mechanisms to enforce those rights. Section 3771(a) provides crimes victims with the following rights:

- (1) The right to be reasonably protected from the accused;
- (2) The right to reasonable, accurate, and timely notice of any public court proceeding, or any parole proceeding, involving the crime or of any release or escape of the accused;
- (3) The right not to be excluded from any such public court proceeding, unless the court, after receiving clear and convincing evidence, determines that testimony by the victim would be materially altered if the victim heard other testimony at that proceeding;
- (4) The right to be reasonably heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding;
- (5) The reasonable right to confer with the attorney for the Government in the case;
- (6) The right to full and timely restitution as provided by law;
- (7) The right to proceedings free from unreasonable delay; and
- (8) The right to be treated with fairness and with respect for the victim's dignity and privacy.

In addition, Section 3771(c)(1) requires that officers and employees of the Department of Justice make their best efforts to ensure that victims know their rights and are afforded those rights.

Victim Witness Personnel: It is the role of victim witness coordinators to keep victims and witnesses informed of relevant information as provided by law. To that end, the USAO presently employs victim/witness coordinators who regularly consult with tribal victim/witness coordinators. The coordinators deliver victim services and are responsible for working with victims and witnesses during the prosecution of the case. Additionally, the coordinators ensure victims are aware of their rights, are aware of upcoming court hearings, and are aware of the opportunity to seek restitution.

D. Training

The USAO will continue to work with the FBI, Tribal and local law enforcement agencies, and Tribal prosecutors to provide training courses that are specific to the needs of each community, and which will assist the “first responder” patrol officers to either contact a tribal detective or the FBI investigative officer assigned to the Tribe. For example, the USAO conducts training courses focused on report writing, case law update, and domestic violence.

The USAO encourages Tribal law enforcement agencies of training opportunities under the Special Law Enforcement Commission. The USAO participates in these training programs, as appropriate, having provided several such trainings annually for the past several years.

E. Outreach

The USAO recognizes that prevention, training, and other grassroots intervention efforts are essential to improving public safety in Indian Country. To that end, the USAO will, to the extent possible:

- Designate the United States Attorney and First Assistant United States Attorney to act as a bridge between the USAO and the Tribes in the District for government-to-government consultations. Such consultations provide an opportunity to exchange information about the USAO’s efforts in Indian Country and to address issues of mutual concern.
- The USAO Tribal Liaison, or a USAO representative, will meet with Tribal law enforcement on a regular basis to listen to operational concerns, to answer questions, and to provide information about the USAO’s efforts in Indian Country.
- The USAO continues to support existing Safe Trails Task Forces and any other task forces and work with the FBI to form Safe Trails Task Forces, or their equivalent, on all reservations in the District.
- The USAO continues to utilize the Department of Justice’s Community Relations Service.

- The USAO continues to assist the Tribes within the District by providing information about all grants provided by the Department of Justice.
- The USAO continues to support a gang assessment as well as an assessment of the prevalence of illegal drugs on every reservation and liaison in schools and with community forums.
- The USAO continues to support tribal access to various government databases, including NCIC and NCIS, through the Tribal Access Program (TAP).

F. Violence Against Women

The Tribes generally have jurisdiction over domestic violence matters where the perpetrator is an Indian, regardless of the race of the victim. If both the perpetrator and victim are non-Indian, exclusive jurisdiction falls on the State.

When domestic violence matters are referred to the FBI or the USAO, those matters will be evaluated and decisions on prosecution or referral for prosecution will be made as discussed in this Operational Plan. Prosecutorial decisions will be made in accordance with the *Principles of Federal Prosecution* in the United States Attorney's Manual. When matters are referred by the United States Attorney's Office for prosecution in Tribal Courts, the United States Attorney will continue to provide support to Tribal prosecution in the form of attorney advisors and technical assistance, where appropriate. When requested, and as appropriate, the USAO will also provide ongoing, periodic training for tribal and state law enforcement, tribal prosecutors, tribal victim/witness coordinators, and tribal judges.

Prosecution of non-Indian domestic violence offenders upon Indian victims may require additional resources and efforts. The USAO intends to increase prosecution of such matters by:

- Providing ongoing training to first responders including tribal, state, and local law enforcement, tribal prosecutors, and tribal victim/witness coordinators to increase the effectiveness of evidence gathering and thus, prosecution efforts.

- Encouraging cross-deputization agreements between tribal law enforcement and state and local law enforcement to increase available law enforcement presence and reduce response time.
- Conducting post-prosecution reviews to identify barriers to effective prosecution of domestic violence matters in order to improve future prosecution.
- Considering enhancement of domestic violence charges based on use of firearms or other weapons or status as a habitual offender (18 U.S.C. § 117) when factually supported.
- Providing guidance, support, and additional prosecution as needed of federal firearms statute violations following a qualifying conviction for a misdemeanor crime of domestic violence or while the suspect is subject to a disqualifying protective order.

G. Violent or Sexual Crime Generally

Personnel: The FBI and tribal police investigate adult sexual assault in Indian Country in the District. The responsibilities of each law enforcement entity are as follows:

- Tribal police officers: provide dispatch services, respond to the scene, conduct minimal factual interview of adults as necessary, determine the need for any emergency medical response, and relay pertinent information to tribal detectives and FBI agents.
- Tribal detectives and FBI agents: identify and interview witnesses, identify subjects, read subjects federal Miranda warnings, conduct taped interviews of subjects, identify and interview victims, make sure victims are apprised of their rights and have been given a point of contact for additional information as to those rights, collect evidence, forward evidence to the lab for forensic analysis, and coordinate for any non-emergency medical exams.

Reporting Structure:

1. Call made to dispatch (either via 911 or non-emergency line – IHS personnel

who receive a patient wishing to report a sexual assault to law enforcement will also contact dispatch).

2. Tribal patrol officers respond.
3. Tribal patrol officers confirm call pertains to a sexual assault and provide urgent emergency assistance.
4. Tribal patrol officers contact tribal detectives and provide a summary of the facts.
5. Tribal detectives determine if the case likely involves a sexual assault felony. If so, tribal detectives contact the FBI.

Medical Options: A person who is enrolled in a federally recognized Tribe and eligible for health services from Indian Health Service (IHS) will pay no cost out of pocket for medical services. IHS will bill insurance, Medicare, and Medicaid, if the individual is enrolled in those programs, but any uncovered portion will not be billed to the patient. Local locations include:

- Nespalem Clinic, 19 Lakes Street, Nespalem, WA 99155
- Omak Clinic, 617 Benton Street, Omak, WA 98841
- Wellpinit Service Unit, 6228 Old School Rd., Wellpinit, WA 99040
- Yakama Service Unit, 401 Buster Road, Toppenish, WA 98948

Victim Services: Access to victim assistance/advocacy personnel is a critical need for victims of violent crime. Victim assistance/advocacy personnel may be community-based, tribally-based, or systems-based. Every Tribe in the District has victim advocates available to their members. Additionally, the Federal Bureau of Investigation has a victim specialist available, as does the USAO (both in the Spokane office and the in the Yakima office). Additional victim assistance can be found at the following locations:

- Lower Valley Crisis Center, Sunnyside, WA (Yakama Tribe)
- Aspen Victim Advocacy Services, Yakima, WA (Yakama Tribe)
- Spokane Crime Victim Service Center, Spokane, WA (Colville and Spokane Tribes)
- Rural Resources Victim Services, Colville, WA (Colville and Spokane Tribes)
- Spokane Tribe Family Violence Program, Wellpinit, WA (Spokane Tribe)
- Family Resource Center Of Lincoln County, Davenport, WA (Spokane Tribe)

- Support Center, Okanogan, WA (Colville Tribe)

G. Special Procedures for Violent or Sexual Crime Against Children

Personnel: The FBI and tribal police investigate child sexual abuse in Indian Country in the District. The responsibilities of each law enforcement entity are as follows:

- Tribal police officers: provide dispatch services, respond to the scene, conduct a minimal factual interview of adults, not in the presence of any child victim, as necessary, determine the need for any emergency medical response, and relay pertinent information to tribal detectives and FBI agents.
- Tribal detectives and FBI agents: identify and interview witnesses, identify subjects, read subjects federal *Miranda* warnings, conduct taped interviews of subjects, collect evidence, forward evidence to the FBI lab for forensic analysis, and coordinate for a forensic interviews of children as well as any non-emergency medical exams. FBI Agent will contact FBI victim specialist who will coordinate medical exams, if necessary, and other resources as needed. Detectives and agents also make sure the guardian/parent of the victim is apprised of the victim's rights and has been given a point of contact for additional information as to those rights.

Reporting Structure:

1. Call made to dispatch (either via 911 or non-emergency line).
2. Tribal patrol officers respond.
3. Tribal patrol officers confirm call pertains to a sexual assault and provide urgent emergency assistance.
4. Tribal patrol officers contact tribal detectives and provide a summary of the facts.
5. Tribal detectives determine if the case likely involves a sexual assault felony. If so, tribal detectives contact the FBI.

Interviews of Children: Every forensic interview should be conducted in a culturally appropriate manner by qualified, trained interviewers. Child/adolescent forensic interviews will be conducted every time the putative victim is under the

age of fifteen and the offense described could potentially be a felony. If the minor is between the ages of fifteen and eighteen, the decision as to whether or not a forensic interview is appropriate will be in the discretion of the responding detective/agent.

The FBI is responsible for setting up forensic interviews for potential felony cases, and FBI or the tribal police will transport the victim to the forensic interview, if necessary. All forensic interviews will be audio and video recorded. The tribal police, the USAO, the tribal prosecutor, and the FBI will have access to the forensic interview recordings.

H. Human Trafficking

Personnel: The FBI and tribal police investigate human trafficking in Indian Country in the District. The Tribal Liaison will be trained on how to identify, refer, and/or prosecute human trafficking crimes. The FBI will make an agent available to respond to human trafficking complaints with extensive experience both in Indian Country matters and in human trafficking.

Reporting Structure:

1. Tribal officers or FBI agents gain actionable information about human trafficking on in Indian Country.
2. FBI agent informs USAO Human Trafficking Coordinator.
3. Human Trafficking Coordinator will staff the case through the human trafficking task force in coordination with the tribal police.

Victim Services: In addition to the services available to all victims detailed herein, Lutheran Family Services, a community organization and service provider, is also available to provide housing, counseling, and other services to trafficking victims.

I. Consultation with Tribes on Marijuana and Hemp Production

By way of Initiative 502, Washington State legalized the regulated production, distribution, and use of marijuana. The national and state-based landscape associated with the commercialization of marijuana is evolving. The USAO will

continue to monitor closely any Tribal interest in implementing some form of involvement in this area and consult as necessary.

J. Missing, Murdered, and Indigenous People (MMIP)

The USAO recognizes the ongoing and serious concerns of tribal governments regarding missing and murdered members of American Indian and Native communities, particularly women and girls. The USAO and federal law enforcement will coordinate with tribal leadership within the District as well as with officials from the Department of Justice and the Department of Interior to address this important issue.

The USAO will provide support to the Task Force on Missing and Murdered American Indians and Alaska Natives, which is co-chaired by the Attorney General and Secretary of Interior. The purpose of this Task Force is to enhance the operation of the criminal justice system and address concerns regarding MMIP. Specifically, the USAO and its law enforcement partners are committed providing support to the Task Force's mission and functions, which include:

- (i) Conduct appropriate consultations with tribal governments on the scope and nature of the issues regarding missing and murdered American Indians and Alaska Natives;
- (ii) Develop protocols and procedures to apply to new and unsolved cases of missing or murdered persons in American Indian and, including best practices for:
 - a. Improving the way law enforcement investigators and prosecutors respond to the high volume of such cases, and to the investigative challenges that might be presented in cases involving female victims;
 - b. collecting and sharing data among various jurisdictions and law enforcement agencies; and
 - c. better use of existing criminal databases, such as the National Missing and Unidentified Persons System (NamUs), the National

Crime Information Center (NCIC), and the Combined DNA Index System (CODIS) including the National DNA Index System (NDIS);

- (iii) Establish a multi-disciplinary, multi-jurisdictional team including representatives from tribal law enforcement and the Departments of Justice and the Interior to review cold cases involving missing and murdered American Indians and Alaska Natives;
- (iv) Address the need for greater clarity concerning roles, authorities, and jurisdiction throughout the lifecycle of cases involving missing and murdered American Indians and Alaska Natives by:
 - a. developing and publishing best-practices guidance for use by Federal, State, local, and tribal law enforcement in cases involving missing and murdered American Indians and Alaska Natives, to include best practices related to communication with affected families from initiation of an investigation through case resolution or closure;
 - b. facilitating formal agreements or arrangements among Federal, State, local, and tribal law enforcement to promote maximally cooperative, trauma-informed responses to cases involving missing and murdered American Indians and Alaska Natives;
 - c. developing and executing an education and outreach campaign for communities that are most affected by crime against American Indians and Alaska Natives to identify and reduce such crime; and
 - d. developing, in partnership with NamUs, a public-awareness campaign to educate both rural and urban communities about the needs of affected families and resources that are both needed and available.

Consistent with the Task Force's goals, in December 2019, the USAOs for the Eastern and Western Districts of Washington secured funding from the Office of Justice Programs for a contractor to serve as the MMIP coordinator for the Eastern

and Western Districts. The MMIP Coordinator will assist in outreach, collaboration, analysis, and the development of district protocols regarding MMIP matters in the Eastern District by working with tribal, local, and federal partners.

Part Two: Specific Components for Each Tribe

A. Confederated Tribes of the Colville Reservation

Location: Located in the northeastern part of the District, the Colville Indian Reservation covers approximately 1.4 million acres; an area roughly twice the size of the State of Rhode Island. Trust property on the Colville Indian Reservation is located within portions of three Washington counties. The Tribal Government Headquarters is located in Nespelem.

As of January, 2020, the Confederated Tribes of the Colville Reservation had approximately 9,500 enrolled members with approximately 3,851 enrolled members residing within the boundaries of the Colville Indian Reservation. In addition to the year-round population, the Colville Indian Reservation is visited by approximately two million recreational tourists each year. The Reservation is comprised of both fee land and trust land within the exterior boundaries of the Reservation.

Law Enforcement Resources: The Confederated Tribes of the Colville Reservation has its own police department, with approximately thirty sworn members, including four Command Staff and two Detectives. Additionally, four officers are dedicated full time assignment to the Grand Coulee Dam and are under the control of the US Bureau of Reclamation. The Confederated Tribes of the Colville Reservation have informal agreements with Ferry and Okanogan Counties to assist each other with law enforcement activities. The Tribe also has a cross-deputation agreement with Okanogan County. The Confederated Tribes of the Colville Reservation participates in a Safe Trails Task Force in conjunction with the FBI. The Confederated Tribes of the Colville Reservation operates a correctional facility with the capacity of 60 under a Section 638 contract with the BIA. The jail is relatively new and is typically operated at approximately twenty to thirty percent (20% to 30%) of its full capacity.

The Colville Tribal Police Department can be contacted at (509) 634-2472.

Crime: The Colville Indian Tribal Court handles approximately 3,500 criminal matters per year.

Special Assistant United States Attorney (SAUSA): The Confederated Tribes of the Colville Reservation, working with the USAO, has secured funding from the United States Department of Justice Office on Violence Against Women for a cross-designated prosecutor to investigate and prosecute cases involving domestic violence, dating violence, sexual assault, stalking (to include cyberstalking) and the like, that are committed within the exterior boundaries of the Colville Indian Reservation. The Tribal SAUSA is to divide her/his time between the Colville Indian Reservation and the USAO in Spokane. In this role, the Tribal SAUSA will have authority to recommend to the USAO Tribal Liaison, or other appropriate officials within the USAO, the acceptance of cases for prosecution, negotiated plea agreement terms and conditions, dismissal or reduction of charges, and all other acts necessary to protect the interest of the United States associated with the prosecution of the criminal conduct referenced herein. Final decision-making authority on all criminal cases remains with the United States Attorney and designated management AUSAs within the USAO.

Significantly, the Tribal SAUSA position is designed to enhance the number of prosecutions involving domestic violence, dating violence, sexual assault, stalking, and the like, rather than to replace existing USAO or tribal staff currently assigned to such matters.

B. Spokane Tribe of Indians

Location: Located in the northeastern part of the District, the Spokane Tribe of Indians Reservation covers approximately 159,000 acres. Trust property on the Spokane Indian Reservation is located in Stevens County and Spokane County, Washington. The center of government is located in Wellpinit. There are approximately 2,850 enrolled members with about 2,600 people residing on the Spokane Indian Reservation. There is a mixture of private ownership of property scattered throughout the Spokane Indian Reservation.

Law Enforcement Resources: The Spokane Tribe has their own police department consisting of sixteen officers and two detectives. The Spokane Tribe participates in

the Safe Trails Task Force with the FBI. The Spokane Tribe does have a detention facility, which is owned and operated by the BIA. The capacity of the detention facility is ten inmates, with an average of seven individuals incarcerated at any one time. The detention facility also has a holding cell which can hold an additional two individuals temporarily. The Spokane Tribe has MOUs with the City of Airway Heights and with Stevens County.

The Spokane Tribal Police Department can be contacted at (509) 258-4569.

Crime: The Spokane Tribal Court handles approximately 1,100 criminal matters per year. These matters include a large number of alcohol-related offenses and misdemeanor assaults and thefts falling outside the jurisdiction of federal court.

C. Kalispel Tribe of Indians

Location: Located in the northeastern part of the District, the Kalispel Indian Reservation covers approximately 4,557 acres. The headquarters is located approximately two miles from Usk, Washington. The Kalispel Tribe has approximately 9,229 acres of land in both trust and fee status in both Pend Oreille and Spokane counties. The main reservation and the Tribe's economic development area in Airway Heights are approximately 60 miles apart. There are 475 enrolled members with about 250 people residing on the Kalispel Indian Reservation.

Law Enforcement Resources: The Kalispel Tribe of Indians has their own police department divided into two divisions. The north division is currently comprised of one (1) captain, four (4) patrol officers and one (1) community resource officer. The south division is currently comprised of one (1) captain, one (1) sergeant, one (1) detective, twelve (12) patrol officers, and one (1) drug detection K9. The Kalispel Tribe has interlocal law enforcement agreements with the Pend Oreille County Sheriff, the Spokane County Sheriff, and the City of Airway Heights Police Department. The Kalispel Tribe is a part of a Safe Trails Task Force formed with the FBI.

The Kalispel Tribal Police Department can be contacted at (509) 445-1785.

Crime: Approximately 600 criminal matters arise with the Kalispel Reservation each year. These matters are prosecuted in Kalispel Tribal Court, Airway Heights Municipal Court, Pend Oreille County District and Superior Courts, and Spokane

County Superior Court. These matters consist primarily of a large number of trespass cases, as well as alcohol-related offenses and other misdemeanors falling outside the jurisdiction of federal court.

D. Confederated Tribes and Bands of the Yakama Nation

Location: Located in the southwestern part of the District, the Yakama Reservation covers approximately 1.4 million acres. Trust property on the Yakama Reservation is located in Yakima and Klickitat counties. The Yakama Nation also has off-Reservation trust allotments located in its traditional territory. The Yakama Nation's headquarters is located near Toppenish.

There are approximately 11,100 enrolled members with approximately 7,000 members residing on the Yakama Reservation. There is a mixture of trust and fee lands owned by the Yakama Nation, as well as privately owned property scattered throughout the Yakama Reservation. Portions of the Yakama Reservation are closed to non-Yakama members.

Law Enforcement Resources: The Yakama Nation has its own police department, with approximately 30 officers and detectives. The BIA currently contracts with the Yakama Nation through a Section 638 Contract to operate the jail facility, which has the capacity to house 35 juveniles and 35 adults. The average daily head count of adults in the current jail facility is approximately 30.

The Yakama Nation Tribal Police Department can be contacted at (509) 865- 2933.

Crime: The Yakama Nation Tribal Court handles approximately 2,000 criminal matters per year.

Tribal Law and Order Act: In 2014, the State of Washington offered to retrocede to the United States certain specified aspects of civil and criminal jurisdiction within the exterior boundaries of Yakama Nation. Following a transition period, retrocession became effective on April 19, 2016.

Anticipating a need for cross-deputation of local and state law enforcement officers operating on or near the Reservation to address effectively the local/state/Tribal/federal jurisdictional interplay post-retrocession, MOUs have been entered between the Nation and the Yakima County Sheriff's Department, along

with at least three city municipalities. Similar MOUs continue to be negotiated. The USAO has provided BIA-sponsored SLEC training to over 100 law enforcement officers since retrocession was granted by the Department of the Interior.