



U.S. Attorney's Eastern District of Washington Indian Country Email Newsletter

Volume I

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Greetings from United States Attorney William D. Hyslop

We are excited to launch this Indian Country newsletter for you. Our purpose is to increase awareness of Indian Country cases and issues being addressed by the U.S. Attorney's Office here in Eastern Washington. We take very seriously our law enforcement responsibilities and partnership with each of our tribal partners, and we want this newsletter to be informative for you and all who may receive it.

In each newsletter, we will highlight topics such as federal criminal prosecutions and civil litigation in the Eastern District of Washington relevant to Indian Country; shed light on the experiences of tribal victims of crime; list significant trainings and events; identify national trends or issues that could impact Indian Country in the Eastern District of Washington; and provide a vehicle to encourage and facilitate communication with our tribal leaders, tribal communities, and law enforcement partners throughout Indian Country in the Eastern District of Washington.

We communicate with tribal representatives and tribal communities in a number of different manners. As with all discussions, we invite you to collaborate with us by suggesting issues, cases, and events that you ask us to consider for future newsletters.

Under Public Law 280, our United States Attorney's office has the authority and responsibility to investigate and prosecute major crimes occurring on the reservations of the Confederated Tribes of the Colville Reservation, Kalispel Tribe of Indians, Spokane Tribe of Indians, and Confederated Tribes and Bands of the Yakama Nation. We also have federal jurisdiction over violations of general applicable crimes in Indian Country such as felons in possession of firearms or ammunition, drug trafficking, gaming violations, cultural resource damage, and theft against tribal entities related to all four of the federally recognized Tribes in the District.

As the United States Attorney for this District, I've seen firsthand the commitment of our attorneys and staff to address issues and enhance safety in Indian Country and throughout the District by working with tribal nations and our law enforcement partners. It is an honor to do this work. In doing so, we are reliant on the hard work and professionalism of our law enforcement partners. Our criminal prosecutions are based on the investigative work of tribal, federal, state and local law enforcement personnel who sacrifice daily to protect tribal communities. I support the good work done in Indian Country by tribal nations, our law enforcement partners, and our staff and personnel. I also recognize that there is always more work to be done. Please continue reading this newsletter to learn about our Indian Country team here in the Eastern District, upcoming trainings, funding opportunities, press releases, job postings, and other resources. We look forward to hearing from you in identifying issues, cases, and events that should be addressed and discussed in future newsletters.

Indian Country COVID-19 Update

As each of us is working to best deal with the COVID-19 pandemic, we want to report on some developments at the United States Attorney's Office and express our support for your communities and you.

COVID-19 is having a substantial impact upon your communities, and we appreciate your efforts to combat this disease. Many of you are working tirelessly to procure and mobilize medical resources over large geographic areas, often at considerable cost. While the number of positive tests has been relatively low in many Eastern Washington communities, the current spike in COVID-19 cases is most concerning. Likewise, we are well aware of the severe economic impact to your communities, including from the closure of casinos and other businesses, and the status of this fall's school sessions remains unresolved.

Notwithstanding these challenges, please know that the U.S. Attorney's Office remains open and fully operational during this global pandemic. One of our law enforcement partners recently conveyed to me that "crime tries to capitalize on chaos" and that is true of the COVID-19 pandemic. Nationally, and here in Washington State, we have seen a wide array of fraudulent and otherwise illegal schemes seeking to exploit people during this national emergency. We remain fully committed – with you as our tribal partners – to continue working together to ensure the safety and security of each Tribal Nation within the Eastern District of Washington, as we have always done. While many of our attorneys and staff are teleworking, we communicate regularly, and we are available to assist via phone or through video conferencing.

Our partner law enforcement agencies, including the FBI, are also open and able to respond at their full capacity. Together with tribal law enforcement, the FBI is handling criminal investigations in Indian Country. In doing so, we routinely remind our federal partners of the trust responsibility to Indian Country, including the promotion of public safety and justice. These are tremendous professionals and we work closely with each of them.

We have also been monitoring developments related to the Coronavirus Relief Bill (the CARES Act), which included the appropriation of \$8 billion in the Tribal Stabilization Fund to provide emergency relief to tribal governments and to offset costs incurred by Indian Tribes due to the COVID-19 pandemic. The Department of Interior and the Department of Treasury have held conference calls with tribal leaders to discuss the allocation of these funds. Representatives from our office participated in these calls, and we appreciated hearing from you and other tribal leaders during the consultations with Interior and Treasury. As the COVID-19 pandemic continues, Congress is now addressing additional funding which we are confident you are following.

In this time of uncertainty, we are inspired by the strength and fortitude of your communities in overcoming great obstacles. We recognize the resilience of your respective Tribes, and we are confident that each will again meet this latest challenge. As always, we will continue to be available to you. Please do not hesitate to contact our First Assistant United States Attorney Joe Harrington, our Tribal Liaison Richard Barker, or me should you have questions. Thank you for all that you are doing to address this unprecedented and challenging global pandemic.

Here are some internet links to websites which may provide you with additional helpful information:

IHS Coronavirus Information Page <https://www.ihs.gov/coronavirus/>

BIA Coronavirus Information Page <https://www.bia.gov/coronavirus>

COVID-19 Indian Country News: <https://www.indianz.com/covid19/>

First Female BOP Inmate to Die from COVID-19 was from Cheyenne River Sioux Tribe
<https://www.washingtonpost.com/nation/2020/04/29/pregnant-inmate-death-coronavirus/>

White House Re-Establishes Council on Native American Affairs
<https://www.indianz.com/covid19/?p=3772>

Native American Tribes Hail Newfound Casino Eligibility for PPP
<https://www.marketwatch.com/story/native-american-tribes-hail-newfound-casino-eligibility-for-ppp-2020-04-28?mod=coronavirus>

Indian Country Law Enforcement Initiative Operational Plan

We recently implemented our updated Indian Country Law Enforcement Initiative Operational Plan. It is available for your review through our U.S. Attorney's Eastern District of Washington website, <https://www.justice.gov/usao-edwa> and at <https://www.justice.gov/file/1282421/download>. Effective June 1, 2020, the Plan sets forth specific goals for working with the four Tribes in Eastern Washington to improve public safety. Sections include how criminal investigations and prosecutions are handled, communication with tribal leaders, victim advocacy, training, outreach, and numerous other topics. We invite you to review the updated Plan and contact us with any questions or

comments. Copies will also be transmitted to the tribal council and tribal law enforcement leaders of each of the four Tribes in Eastern Washington.

Missing and Murdered Indigenous Persons (MMIP)

President Trump has called the crisis of missing and murdered indigenous persons “sobering and heartbreaking.” To help find solutions to address this tragedy, Executive Order 13898 was issued in November 2019 establishing the Presidential Task Force on Missing and Murdered American Indians and Alaska Natives, which is co-chaired by Attorney General William Barr and Secretary of the Interior David Bernhardt. The task force – designated as Operation Lady Justice – is charged with enhancing the criminal justice MMIP response, consulting with tribal governments on potential solutions, and empowering native communities with information. It is to issue its report of recommendations by November, 2021.

Despite the COVID-19 pandemic, the Task Force has been very active holding multiple remote listening sessions with tribal and government leaders. In June, the Task Force held a listening session for the BIA’s Pacific, Northwestern, and Alaska Regions (Tribal lands located in California, Oregon, Washington, Idaho, and Alaska), which was attended online by several hundred participants. Multiple Working Groups have been formed to address the development of important topics such as cold case teams, collection and analyzing data, education and outreach programs for the use of the NAMUS database and the development of protocols, procedures and best practices for the investigations and prosecutions where a loved one goes missing. Additional detailed information and opportunities for input are available at the Task Force website: <https://operationladyjustice.usdoj.gov/>

Addressing MMIP is a major priority. The Attorney General announced a multi-pronged national MMIP strategy on November 22, 2019. As he stated at that time, “American Indian and Alaska Native people suffer from unacceptable and disproportionately high levels of violence, which can have lasting impacts on families and communities. Native American women face particularly high rates of violence, with at least half suffering sexual or intimate-partner violence in their lifetime. Too many of these families have experienced the loss of loved ones who went missing or were murdered. This important initiative will further strengthen the federal, state, and tribal law enforcement response to these continuing problems.” More information is available at: <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-launches-national-strategy-address-missing-and-murdered>

As part of the Attorney General’s national MMIP initiative, coordinators in U.S. Attorney’s offices in 11 states are being retained. The Eastern District of Washington is sharing a position with the Western District of Washington to enable statewide coordination. We wrote to Tribal leaders several weeks ago about the application process. The selection and hiring is now being finalized. As soon as that Coordinator can be brought on board, that person will work closely with federal, tribal, state and local agencies to develop protocols and procedures for responding to reports of missing or murdered indigenous persons, amongst other projects. Further, the Department of Justice’s strategy allows for the deployment of FBI specialized rapid response teams when requested by a tribal, state, or local law

enforcement agency in certain instances. The FBI's expert assistance may occur following a child abduction, to expedite the analysis of digital or social media evidence in an urgent situation, to process and analyze cellular data, or provide specialized victim services in unique circumstances.

Our United States Attorney's Office for the Eastern District of Washington is committed to working collaboratively with federal, tribal, state, and local law enforcement to recover or restore the Native American men and women who have gone missing, and to find justice for those who have been murdered. Our office and the FBI are collaborating to enhance investigations into missing persons, and develop protocols for law enforcement, improvements to data collection and analyses, training and technical assistance. In addition, we encourage our tribal partners to pursue the Tribal Access Program (TAP) which allows selected federally-recognized tribes to more effectively serve and protect their nation's citizens by ensuring the exchange of critical data across the Criminal Justice Information Services (CJIS) systems and other national crime information systems. More information about TAP can be found at <https://www.justice.gov/tribal/tribal-access-program-tap>

The Presidential Task Force on Missing and Murdered American Indians and Alaska Natives, also known as Operation Lady Justice, has announced the upcoming series of Tribal consultations under Executive Order 13898. The Executive Order requires the Task Force to "conduct appropriate consultations with Tribal governments on the scope and nature of the issues regarding missing and murdered American Indians and Alaska Natives." While the Task Force had plans in place for a robust schedule of consultations and listening sessions in various locations in Indian country and elsewhere beginning in March, postponement of those sessions was required by the current public health crisis. Therefore, the Task Force has established a series of Tribal consultations to be held virtually. The sessions are regional, based on Bureau of Indian Affairs regions.

The schedule, link to register, Tribal Leader letter and framing paper are available on the Operation Lady Justice website, which can be found at <https://operationladyjustice.usdoj.gov/>

We hope you will sign in and participate in the Northwest Region Consultation which will be:

- **BIA Northwest Region – Virtual Consultation via WebEx.**
August 31st, 10:30 a.m. – 2:00 p.m. Pacific; 1:30 p.m. – 5:00 p.m. Eastern

The members of the Task Force are:

- Katharine (Katie) Sullivan, Principal Deputy Assistant Attorney General, Office of Justice Programs, designee for the Attorney General;
- Tara Sweeney, Assistant Secretary for Indian Affairs, designee for the Secretary of the Interior;
- Terry Wade, Executive Assistant Director, Criminal, Cyber, Response, and Services Branch, Federal Bureau of Investigation;

- Laura Rogers, Acting Director, Office on Violence Against Women;
- Charles (Charlie) Addington, Deputy Bureau Director, Bureau of Indian Affairs, Office of Justice Services;
- Trent Shores, U.S. Attorney for the Northern District of Oklahoma and Chair of the Native American Issues Subcommittee of the Attorney General’s Advisory Committee; and
- Jean (Jeannie) Hovland, Deputy Assistant Secretary for Native American Affairs and Commissioner, Administration for Native Americans, Department of Health and Human Services.

Marcia Good of the Department of Justice serves as the Executive Director of the Task Force. The Task Force will present a progress report to the President by Nov. 26, 2020, and a final report detailing its activities and accomplishments by Nov. 26, 2021.

Training on Criminal Jurisdiction in Indian Country (CJIC) Leading to the Special Law Enforcement Commission (SLEC)

Special Law Enforcement Commissions are a force multiplier for law enforcement because they permit tribal law enforcement officers and state, local, and county law enforcement officers to assist in federal investigations of major crimes occurring in Indian Country. So much more can be accomplished when law enforcement agencies at all levels can work together. The SLEC commissions are issued by the BIA following required training on a host of helpful topics. Our Assistant U.S. Attorneys conduct the necessary trainings multiple times per year including on topics ranging from Indian Country criminal jurisdiction, federal search and seizure law, and tort liability. The CJIC course is a step in the process for law enforcement agencies who have a nexus and need to assist federal investigators in Indian Country to obtain a limited federal law enforcement commission after entering into an agreement with their specific tribal government. Additional SLEC courses with our tribal partners will be announced when federal and state COVID-19 restrictions ease and it is safe for us to do so.

Meet Our Eastern District of Washington Indian Country Team

For more information on these or other topics, please feel free to contact either of the following:

Richard Barker
Assistant U.S. Attorney and
Indian Country Liaison
Email: Richard.barker@usdoj.gov
Office: (509) 353-2767

Jolene Jones
Victim Specialist
Email: Jolene.jones@usdoj.gov
Office: (509) 353-2767

We Welcome Your Input and Suggestions

Are there topics you would like to suggest for future Indian Country Newsletters? We welcome your input. Likewise, if others would like to receive this newsletter or wish to opt out of this newsletter, please email: debra.doll@usdoj.gov

A Note About Our Language: "Indian Country" is the legal term used to describe reservations and other lands set aside for Indian use, such as Indian allotments and lands held in trust for Indians or Indian Tribes, and is defined under 18 U.S.C. § 1151. We use the term Indian Country versus the term Native American or some other term because it describes the statutory jurisdiction of the U.S. Attorney's Office.

Disclaimers: The links provided in this newsletter are for information only. Not all content reflects the views of the U.S. Attorney's Office or Department of Justice. Events and trainings are not all vetted or otherwise endorsed by the USAO or DOJ. Please email debra.doll@usdoj.gov to submit suggested trainings for our next newsletter. You have received this e-mail of the U.S. Attorney's Office Eastern District of Washington Indian Country Newsletter because you are an identified partner of the U.S. Attorney's Office or we have identified you as someone who may be interested in joining in on this communication.