



U.S. Department of Justice

Indian Country Investigations and Prosecutions

2019



TABLE OF CONTENTS

Executive Summary2

I. Tribal Law and Order Act of 2010 Background 4

II. Federal Criminal Responsibilities in Indian country 4

III. Federal Bureau of Investigation TLOA Report 6

FBI TLOA Investigation Data Collection8

FBI TLOA Reporting Information10

IV. Executive Office for United States Attorneys TLOA Report..... 15

Data Collection within the United States Attorneys’ Offices23

EOUSA CaseView Information.....26

Examples of Successful Indian country Prosecutions37

V. Department of Justice Commitment to Indian country..... 40

Appendix A: Glossary of Terms42

Appendix B: Lead Charges Entered into LIONS in Calendar Year 201943

Cover Photographs

Starting from the top and working clockwise:

Sky City, Pueblo of Acoma, New Mexico

San Estevan del Rey Mission Church, Pueblo of Acoma, Nex Mexico

Sky City Structures, Pueblo of Acoma, Nex Mexico

Center: Acoma Seal at Veteran’s Memorial, Pueblo of Acoma, New Mexico

Executive Summary

The Department of Justice (Department) presents to Congress this report on Indian country investigations and prosecutions during calendar year (CY) 2019, as required by Section 212 of the Tribal Law and Order Act (TLOA). Since TLOA's inception, the Department has worked to improve public safety for American Indians and Alaska Natives by working collaboratively with other federal agencies and tribal leaders to develop reforms aimed at improving public safety in Indian country and at strengthening the capacity of tribal law enforcement and justice systems to protect their communities and pursue justice.

Section 212 of TLOA requires that the Attorney General submit an annual report to Congress detailing investigative efforts by the Federal Bureau of Investigation (FBI) and dispositions of matters received by United States Attorneys' offices (USAOs) with Indian country responsibility. The data presented in this report covers only those offenses reported to the FBI and federal prosecutors. The majority of criminal offenses committed, investigated, and prosecuted in tribal communities are adjudicated in tribal justice systems. In much of Indian country, tribal law enforcement and tribal justice systems hold criminals accountable, protect victims, provide youth prevention and intervention programs, and confront precursors to crime, such as alcohol and substance abuse. These efforts are often in partnership with federal agencies or accomplished with support from federal programs and federal funding.

To satisfy TLOA's Section 212 reporting requirements for CY 2019, the FBI and the Executive Office for United States Attorneys (EOUSA) have compiled four types of case-specific declination information:

- The type of crime(s) alleged;
- The status of the accused as Indian or non-Indian;
- The status of the victim(s) as Indian or non-Indian; and
- The reason for deciding against referring the investigation for prosecution (FBI) or the reason for deciding to decline, refer, or terminate the prosecution (USAOs).

As discussed in the report, certain limitations in the data make it difficult to draw broad conclusions based on this information. The data nevertheless provides a useful snapshot of the Department's current law enforcement and prosecution work in Indian country. The Department hopes that this report will provide helpful context as Congress and the Department work together with tribes to improve public safety in Indian country.

Despite data limitations, certain basic facts are clear:

- FBI's CY 2019 statistics show a seven percent decrease in total closed investigations (2,124 total) compared to FBI's CY 2018 statistics (2,281 total).
- Approximately 65 percent (1,381 out of 2,124) of Indian country criminal investigations opened by the FBI were referred for prosecution.

- During CY 2019, in 440 of the 743 (59 percent) Indian country investigations that the FBI closed administratively without referral for prosecution, the FBI determined there was no evidence of a federal crime, or insufficient evidence to substantiate criminal activity. The most common reason for closing (approximately 24 percent) was due to unsupported allegations, meaning no evidence of criminal activity was uncovered during the investigations. In addition, analysis of CY 2019 data indicates that 17 percent of investigations closed administratively were closed because they did not meet statutory definitions of a crime or USAO prosecution guidelines. Another reason for non-referral (17 percent) was that the deaths under investigations were determined to be the result of accident, suicide, or natural causes (*i.e.*, non-homicides).
- Eighty-six percent (130 out of 151) of the death investigations that were closed administratively by the FBI in CY 2019 were closed because the death was due to causes other than homicide (*i.e.*, accidents, suicide, or natural causes).
- In CY 2019, the USAOs resolved 2,426 Indian country matters.
- The majority of Indian country criminal matters resolved by the USAOs in CY 2019 were prosecuted (charges filed in either Magistrate or District Court).
- The USAO declination rate remained relatively steady. USAO data shows that, in CY 2019, 32 percent (780) of all (2,426) Indian country matters resolved were declined. Of note, and as explained more fully below, in CY 2019, USAOs began tracking separately cases that were referred to another jurisdiction for prosecution (prior to CY 2019, these cases were tracked as declined cases). When adjusted to account for cases referred to another jurisdiction, USAOs declined cases at a similar rate in prior years: 39 percent (999) of all matters resolved (2,523) in 2018; 37 percent (891) of all Indian country matters resolved (2,390) in CY 2017; 34 percent (903) of all Indian country matters resolved (2,666) in CY 2016.
- The most common reason for declination by USAOs was insufficient evidence (79 percent) in CY 2019 (64.3 percent in CY 2018, 70.9 percent in CY 2017, 68.0 percent in CY 2016).
- The USAOs referred seven percent (180) of Indian country matters resolved (2,426) to another jurisdiction (*i.e.*, tribe or state) for prosecution.

The 2009 Senate report accompanying TLOA acknowledged, “[d]eclination statistics alone do not show the Department’s commitment to combating reservation crime. In fact, they likely reflect difficulties caused by the justice system in place” including the “lack of police on the ground in Indian country” and “shortfalls for training, forensics equipment, [and] personnel.” The Department agrees that declination rates are not a useful way to measure justice or success in fulfilling its trust responsibilities to tribes. It is the Department’s position that prioritization of initiatives in Indian country, including the effort to build capacity in tribal courts, will lead to enhanced public safety for Native Americans.

I. Tribal Law and Order Act of 2010 Background

TLOA is intended to establish accountability measures for federal agencies responsible for investigating and prosecuting crime occurring in Indian country. To that end, TLOA Section 212 requires the Attorney General to submit annual reports to Congress detailing investigative efforts and prosecutorial disposition reports.

The FBI is required to report “by Field Division, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged crime in Indian country.” The USAOs are to submit to the Native American Issues Coordinator at EOUSA information by federal judicial district regarding “all declinations of alleged violations of federal criminal law that occurred in Indian country that were referred for prosecution by law enforcement agencies.” The FBI’s and the USAOs’ reporting obligations are as follows:

- A. The type of crime(s) alleged;
- B. The status of the accused as Indian or non-Indian;
- C. The status of the victim(s) as Indian or non-Indian; and
- D. The reason for deciding against referring the investigation for prosecution (FBI) or the reason for deciding to decline or terminate the prosecution (USAOs).

The information the FBI is required to report under TLOA is substantively different from the information reported by the USAOs. The FBI is responsible for *investigating* allegations of federal crimes in Indian country, while the USAOs are responsible for reviewing for *prosecution* such crimes referred by all federal and tribal investigative agencies. The FBI’s data contains criminal matters not referred to USAOs, and EOUSA’s data accounts for cases referred by various investigative agencies, only one of which is the FBI, making direct comparisons between FBI and EOUSA numbers are not possible.

II. Federal Criminal Responsibilities in Indian country

The two main federal statutes governing federal criminal jurisdiction in Indian country are the General Crimes Act, 18 U.S.C. § 1152, and the Major Crimes Act, 18 U.S.C. § 1153. Section 1153 gives the federal government jurisdiction to prosecute certain enumerated offenses, such as murder, manslaughter, sexual abuse, aggravated assault, and child sexual abuse, when committed by Indians in Indian country. Section 1152 gives the federal government exclusive jurisdiction to prosecute most crimes committed by non-Indians against Indian victims in Indian country.¹ Section 1152 also grants the federal government jurisdiction to prosecute crimes by Indians against non-Indians, although that jurisdiction is shared with tribes, and provides that the federal government may not prosecute an Indian who has been punished by the tribe for that offense.

¹ The exception to this exclusive jurisdiction is set forth in 25 U.S.C. § 1304, which recognizes the inherent power of a participating tribe to exercise special domestic violence criminal jurisdiction.

The federal government also has jurisdiction to prosecute federal crimes of general applicability, such as drug and financial crimes, when they occur in Indian country unless a specific treaty or statutory provision provides otherwise. On a limited number of reservations, the federal government has ceded federal criminal responsibilities under Sections 1152 and 1153 to the states pursuant to Public Law (P.L.) 280 or other federal laws.²

The United States Constitution, treaties, federal statutes, executive orders, and court decisions establish and define the unique legal and political relationship that exists between the United States and Indian tribes. The FBI and the USAOs are two of many law enforcement agencies with responsibility for investigating and prosecuting crimes that occur in Indian country.³ In addition to the FBI, the Department of the Interior's (DOI) Bureau of Indian Affairs, Office of Justice Services (BIA-OJS) plays a significant role in enforcing federal law, including the investigation of cases involving violations of 18 U.S.C. §§ 1152 and 1153. The delineation of responsibilities between the FBI and the BIA was the subject of a Memorandum of Understanding (MOU) between DOI and the Department in 1993.⁴ This MOU also provided that each United States Attorney "whose criminal jurisdiction includes Indian country shall develop local written guidelines outlining responsibilities of the BIA, the FBI, and the tribal criminal investigators, if applicable." Determining which law enforcement agency, federal or tribal, has primary responsibility for investigation of a particular crime may depend on the nature of the crime committed and any applicable local guidelines.

Indian country case statistics can be drawn from three different jurisdictions: federal, state, or tribal. The FBI's Uniform Crime Report (UCR) contains offense data from all three sources, but submission of the data is generally voluntary (except for federal agencies), and thus counts only crimes reported to law enforcement for those non-federal agencies that choose to submit. Furthermore, the UCR does not have the ability to collect the specific information on declinations and administrative closing required by TLOA Section 212. In addition, matters and cases from P.L. 280 jurisdictions do not generally appear in federal Indian country crime statistics because federal authority to prosecute most cases in those jurisdictions has been transferred to the state. Moreover, this report does not cover cases referred to the BIA or other law enforcement agencies. The numbers presented by the FBI and EOUSA in this report include only cases subject to federal jurisdiction and reported to the FBI or referred to a USAO by a federal, state, local, or tribal agency. Thus, this report represents only a portion of the total Indian country violent crime picture—those offenses referred either to the FBI for investigation or to a USAO for prosecution. A more complete understanding of crime rates in Indian country would

² Federal jurisdiction was ceded under P.L. 83-280, 18 U.S.C. § 1162, which granted jurisdiction over Indian country crimes to six states and divested the federal government of jurisdiction to prosecute under the Major and General Crimes Acts in those areas, while giving other states the option to assume that jurisdiction. Congress has also passed a variety of tribe-specific statutes providing for a similar framework of state jurisdiction over crimes in those locations. The federal government retains jurisdiction to prosecute generally applicable offenses in P.L. 83-280 areas.

³ FBI jurisdiction for the investigation of federal violations in Indian country is statutorily derived from 28 U.S.C. § 533, pursuant to which the FBI was given investigative authority by the Attorney General. Other federal agencies with criminal jurisdiction in Indian country include the Bureau of Indian Affairs, the United States Marshals Service, the National Park Service, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Bureau of Land Management, the United States Postal Service, and the United States Secret Service, to name a few.

⁴ http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/crm00676.htm.

require that all reported criminal offenses, whether reported to and/or filed with the tribal, state, or federal Government, be collectively assembled and analyzed. There is no system or database that exists for collecting and analyzing all Indian country crime and prosecution data across sovereigns.

III. Federal Bureau of Investigation

The FBI has investigative responsibility for federal crimes committed on approximately 200 Indian Reservations. This responsibility is shared concurrently with BIA-OJS and other federal agencies with a law enforcement mission in Indian country. This number generally excludes tribes in P.L. 280 states, with the exception of crimes of general applicability (e.g., drug offenses, Indian gaming, embezzlement or theft from a tribal organization or casino, and firearm offenses). Currently, the FBI has approximately 153 Special Agents and 43 Victim Specialists working in support of Indian country investigative matters. Table 1 lists FBI Field Divisions with federally recognized tribes within their area of responsibility.⁵

(Space Left Intentionally Blank)

⁵ Not all FBI Divisions had CY 2019 Indian country investigations to report under TLOA. Additionally, some FBI Divisions overlap multiple states.

Table 1: FBI Divisions

FBI Division Name	FBI Abbreviation	State(s)
Albany	AL	NY
Albuquerque	AQ	NM
Anchorage	AN	AK
Boston	BS	MA, ME, RI
Buffalo	BF	NY
Charlotte	CE	NC
Columbia	CO	SC
Dallas	DL	TX
Denver	DN	WY, CO
Detroit	DE	MI
El Paso	EP	TX
Indianapolis	IN	IN
Jackson	JN	MS
Kansas City	KC	KS, MO
Las Vegas	LV	NV
Los Angeles	LA	CA
Memphis	ME	TN
Miami	MM	FL
Milwaukee	MW	WI
Minneapolis	MP	MN, ND, SD
Mobile	MO	AL
New Haven	NH	CT
New Orleans	NO	LA
New York	NYC	NY
Oklahoma City	OC	OK
Omaha	OM	NE, IA
Portland	PD	OR
Phoenix	PX	AZ
Richmond	RH	VA
San Antonio	SA	TX
Sacramento	SC	CA
Seattle	SE	WA
San Diego	SD	CA
San Francisco	SF	CA
Salt Lake City	SU	ID, MT, UT
Tampa	TP	FL

All FBI investigations are required to follow the Attorney General’s Guidelines for Domestic FBI Operations (AGG-Dom) and the FBI Domestic Investigations and Operations Guide (DIOG). These documents standardize policy to ensure all FBI investigative activities are conducted in compliance with relevant laws, policies, and regulations designed to protect civil liberties and privacy. Under DIOG, FBI investigations regarding allegations of federal law violation in Indian country include both “assessments” and “predicated investigations.”⁶ Therefore, whenever the FBI engages in any substantive investigative activity (*e.g.*, interviewing a complainant or potential victim of a vague or non-specific allegation), it is considered an “investigation” for the purposes of TLOA reporting.

⁶ FBI Domestic Investigations and Operations Guide (DIOG), 2018 version.

FBI Indian country Assessments

The two most prevalent examples of Indian country assessments resulting in an FBI investigation but not a predicated investigation or referral for prosecution, are as follows:

Example A: A non-specific allegation of child sexual abuse is referred to the FBI. The FBI presents the child for a forensic interview and medical examination. The child discloses no allegation of child sexual abuse, and the medical exam and other preliminary investigation reveal no corroborative evidence of sexual abuse. The matter is documented to an FBI Indian country child sexual abuse assessment file and the investigation is administratively closed. (NOTE: Documenting the incident permits the FBI to reopen the matter as a Predicated Investigation at a later date, should the victim later wish to make a report.)

Example B: The FBI is called to a hospital that reports treating an assault victim from a nearby reservation. During the course of this assessment, the assault victim, who may have serious bodily injury, chooses not to make a report and does not identify the assailant or describe the details of the assault. The FBI documents the matter to an FBI Indian country assault assessment file and administratively closes the investigation.

By including assessments in TLOA investigation data, the FBI seeks to provide further information regarding the breadth and scope of alleged crimes in Indian country. The classification of assessments involving any substantive investigative activity as “investigations” reflects the commitment of the FBI to provide accurate and complete reporting under TLOA. Additionally, ongoing FBI investigations do not preclude tribal law enforcement from continuing an investigation and making a referral to a tribal prosecutor to be handled in tribal court.

FBI Predicated (Full) Investigations

Predicated “full” investigations in Indian country are submitted to the federal, state, or tribal prosecuting authority, or are administratively closed after all reasonable investigation into the alleged crime has been completed by the FBI.

FBI TLOA Investigation Data Collection

The following describes the FBI data used to generate the tables in this report.

Measurement of FBI TLOA Requirements

1. **Types of crimes alleged** are classified by the most serious offense and are determined at case initiation. To protect information regarding sensitive investigations, the following criminal programs are combined: Financial Crime, Public Corruption, and Civil Rights. Domestic violence investigations are included under the “Assault” category. The “Property Crime” category includes burglary, robbery, larceny, theft, arson, and motor vehicle theft. The “Death Investigation” category includes homicides, vehicular homicides, and other investigations of suspicious or unattended deaths. The “Other” category includes offenses such as weapon possession by felons, counterfeit or trafficking of cultural items, and any other investigations not applicable to the other nine categories.

2. **The status of the victim(s) and subject** as Indian or non-Indian is generally based on self-reported information provided to the FBI and records obtained from tribal authorities.⁷ In the following circumstances the victim or subject status is not applicable: the victim or subject is a business; the case was opened with an unknown/unidentified subject and/or victim; victim or subject information was not documented in case file (*e.g.*, drug investigations, public corruption matters); duplicate cases or administrative errors.
3. **Reasons for non-referral to prosecuting authorities** are determined after reviewing all individual case circumstances. Table 2 provides a list of non-referral categories.

Table 2: Reasons for FBI Non-Referral for Prosecution in Indian country

Non-Referral Category
Death was not a homicide
Does not meet USAO guidelines or statutory definitions
No remaining leads⁸
Victim is unable to identify subject
Unsupported allegation
Victim or witness is unable or unwilling to assist
Interagency cooperation⁹
Cannot be addressed with current resources¹⁰
Duplicate or case reopened
Subject died

Data Limitations

The FBI’s case management system does not automatically collect TLOA-mandated data. Therefore, all closed case files are manually reviewed on a quarterly basis. Due to this manual process, a small amount of error may be present in the data. FBI computer systems were designed for case management purposes, not to serve as statistical databases. The following limitations should be considered when reviewing reported data:

- The FBI is only able to track allegations reported to the FBI. Allegations investigated by BIA or tribal law enforcement are not fully represented in the FBI’s data.

⁷ The FBI does not have direct access to tribal enrollment information.

⁸ The FBI exhausted all logical investigation, and was unable to present enough facts for a prosecutive opinion.

⁹ The FBI may open an investigation solely for the purpose of assisting another agency (such as opening an investigation solely to give a subject a polygraph examination). Because the FBI is not the primary investigating agency, these investigations are administratively closed.

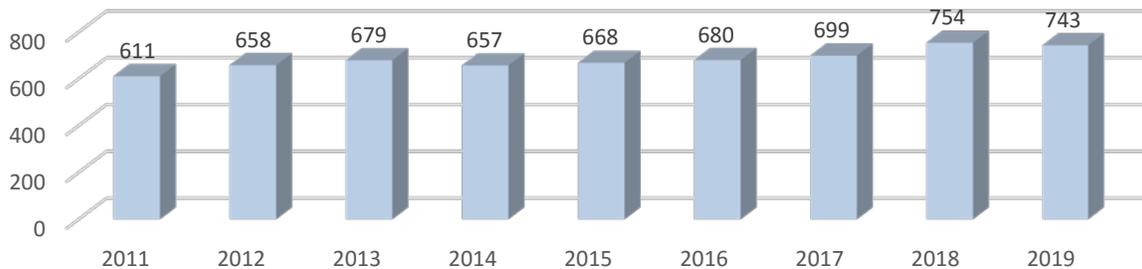
¹⁰ This is primarily due to the prioritization of violent crimes cases against persons.

- Calculating crime rates using this data is inappropriate due to the wide variation between divisions regarding local guidelines, agreements, and the presence of other agencies (e.g., BIA).¹¹
- Non-referral is not necessarily a permanent status. It is possible a closed case can be re-opened and referred for prosecution if new information is received.

FBI TLOA Reporting Information

The FBI closed 2,124 Indian country investigations during CY 2019. For reporting purposes, each closed case was manually reviewed. For CY 2019, 743 investigations or approximately 35% were closed administratively and/or not referred for prosecution. Approximately 65% were referred for prosecution. These statistics are consistent with statistics from previous years.

Figure 1: FBI Administratively Closed Investigations, CY 2011-2019



In most FBI divisions, the total number of cases referred for prosecution exceeded the number of cases administratively closed. Four Indian country divisions – Phoenix (PX), Minneapolis (MP), Salt Lake City (SU), and Albuquerque (AQ) accounted for approximately 75% of all FBI Indian country investigation closures during CY 2019. Table 3 lists by FBI division the total number of closed investigations for CY 2019.

(Space Left Intentionally Blank)

¹¹ The FBI has a Memorandum of Understanding (MOU) with the Bureau of Indian Affairs (BIA) and local agreements based on available resources with other agencies. For example, in some areas but not others, the FBI may work only child sexual abuse cases for victims under age twelve, while the BIA would be responsible for all other sexual abuse and sexual assault investigations, including sexual assault involving adult victims.

**Table 3: Number of Indian country Criminal Investigations
Closed by FBI Division, CY 2019**

Division	Division Name	# Administratively Closed/Not Referred for Prosecution	# Cases Referred for Prosecution	Total Cases Closed
AQ	Albuquerque	32	118	150
AN	Anchorage	1	2	3
BF	Buffalo	1	0	1
CE	Charlotte	0	3	3
DN	Denver	29	56	85
DE	Detroit	2	59	61
IP	Indianapolis	0	3	3
JN	Jackson	0	17	17
LV	Las Vegas	18	32	50
LA	Los Angeles	0	1	1
MM	Miami	4	18	22
MW	Milwaukee	6	14	20
MP	Minneapolis	217	346	563
MO	Mobile	2	0	2
NO	New Orleans	0	2	2
OC	Oklahoma	9	29	38
OM	Omaha	3	60	63
PX	Phoenix	282	339	621
PD	Portland	9	31	40
SU	Salt Lake City	88	178	266
SA	San Antonio	1	1	2
SD	San Diego	1	0	1
SF	San Francisco	0	2	2
SE	Seattle	37	70	107
TP	Tampa	1	0	1
Total		743	1381	2124

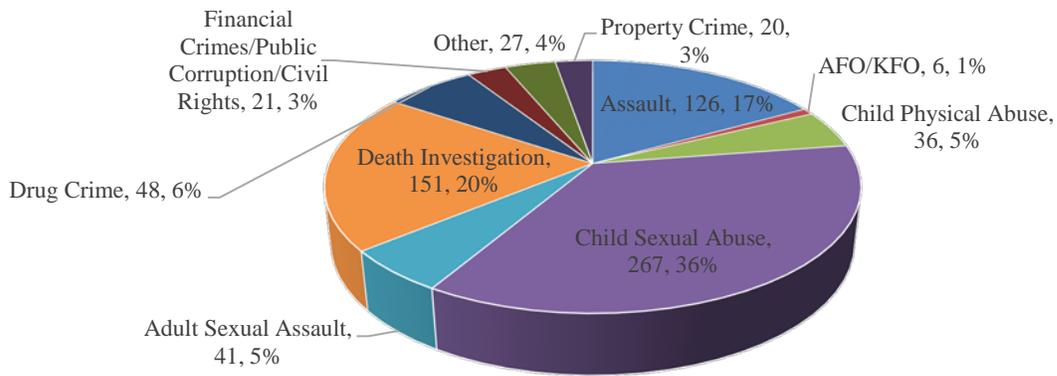
In 2019, the majority of administrative closures involved the categories of child sexual abuse (36 percent), physical assaults (17 percent), and death investigations (20 percent). These statistics are consistent with statistics from previous years. While the relatively high administrative closure rate for child sexual abuse and physical assaults is significant, it is not entirely unexpected given the challenges inherent in investigating these types of crimes – challenges which are not unique to the FBI. In 130 (86 percent) administratively closed death investigations, the investigation revealed the death was not a result of a homicide. It was determined the victim died of natural causes, accident, or suicide.

(Space Left Intentionally Blank)

Table 4: Types of Indian country Criminal Investigations Administratively Closed by FBI Division, CY 2019

Division	Assault	AFO/KFO ¹²	Child Physical Abuse	Child Sexual Abuse	Death Investigation	Drug Crime	Financial Crimes/Public Corruption/Civil Rights	Property Crime	Sexual Assault	Other	Total
AN							1				1
AQ	8			9	14		1				32
BF										1	1
DE				2							2
DN	8			12	4			1	4		29
LV	4			4	3	4	1	1	1		18
MM							1	2		1	4
MO							1		1		2
MP	15		6	107	52	18	3	6	7	3	217
MW	1			1	2		1			1	6
OC				1		1	4		1	2	9
OM	1		1							1	3
PD				3	1		1		2	2	9
PX	70	4	22	93	35	19	3	6	17	13	282
SA						1					1
SD							1				1
SE	5	2	2	16	1	2	2		6	1	37
SU	14		5	19	39	2	1	4	2	2	88
TP						1					1
Total	126	6	36	267	151	48	21	20	41	27	743

Figure 2: Types of Indian country Criminal Investigations Administratively Closed, CY 2019



¹²Assault of Federal Officer/Killing of a Federal Officer.

Within Indian country, for CY 2019, the majority of victims and subjects in cases administratively closed by the FBI were Indian. Table 5 lists the status of victims and subjects in FBI Indian country investigations administratively closed for CY 2019.¹³

Table 5: Status of Victim and Subject for Administratively Closed Cases by FBI Division, CY 2019

Division	Indian Victim	Non-Indian Victim	Indian Subject	Non-Indian Subject	Business Victim/Subject	Unknown Victim/Subject ¹⁴
AN				1	1	
AQ	31		13			9
BF						2
DE	2		2			
DN	30	1	14	1	1	11
LV	13		10		1	4
MM					3	4
MO					1	3
MP	179		65		2	69
MW	4		3		1	2
OC	1		4		4	7
OM	2		1			2
PD	4		5		1	4
PX	234	4	160	4	2	86
SA						1
SD				1	1	
SE	25	5	23	3	2	10
SU	78	3	36	3		14
TP						1
Total	603	13	336	13	20	229

For CY 2019, in 440 (59 percent) investigations administratively closed it was determined there was no evidence of a federal crime, or insufficient evidence to substantiate criminal activity. As previously discussed, in 130 (86 percent) administratively closed death investigations, the investigation revealed the death was not a result of a homicide. In 86 (12 percent) tribal, state, or local law enforcement were the lead investigative agency. The FBI may open an investigation solely for the purpose of assisting another agency. Because the FBI is not the primary investigating agency, these investigations are administratively closed.

Table 6: Investigative Closure Reasons for Administratively Closed Cases by FBI Division, CY 2019

¹³ These numbers represent a count of all victims and subjects, not a count of investigations. Some investigations may have multiple victims and/or subjects, while others may have not identified subjects (e.g., death investigations determined to be suicides). Investigations in which victim or subject status was not applicable (e.g., drug investigations) will not contribute to totals.

¹⁴ Unknown victims or subjects are most common in cases where the identity of the perpetrator is unknown, the victim does not identify the perpetrator, or a child victim may not disclose the identity of his or her abuser.

Division	Does not meet USAO guidelines or statutory definitions	Death was not a homicide	No remaining leads	Victim is unable to identify subject	Unsupported Allegation	Victim or Witness is unable or unwilling to assist	Interagency Cooperation	Cannot be addressed with current resources	Duplicate case or case reopened	Subject Died	Total
AN					1						1
AQ	1	10	3		4	3	5		4	2	32
BF										1	1
DE					2						2
DN	2	3	1	1	8	4	6		1	3	29
LV		2	2		3	1	10				18
MM	1		3								4
MO			2								2
MP	13	52	17	1	75	20	34		2	3	217
MW		1	3		2						6
OC	1				4	1	3				9
OM			2				1				3
PD	2	1	1		3		2				9
PX	99	23	30	22	48	39	15	0	2	4	282
SA	1										1
SD					1						1
SE	4	1	9		7	5	7		1	3	37
SU	5	37	6	1	23	11	2		1	2	88
TP							1				1
Total	129	130	79	25	181	84	86	0	11	18	743

Figure 3: Investigative Closure Reasons for Administratively Closed Cases, CY 2019

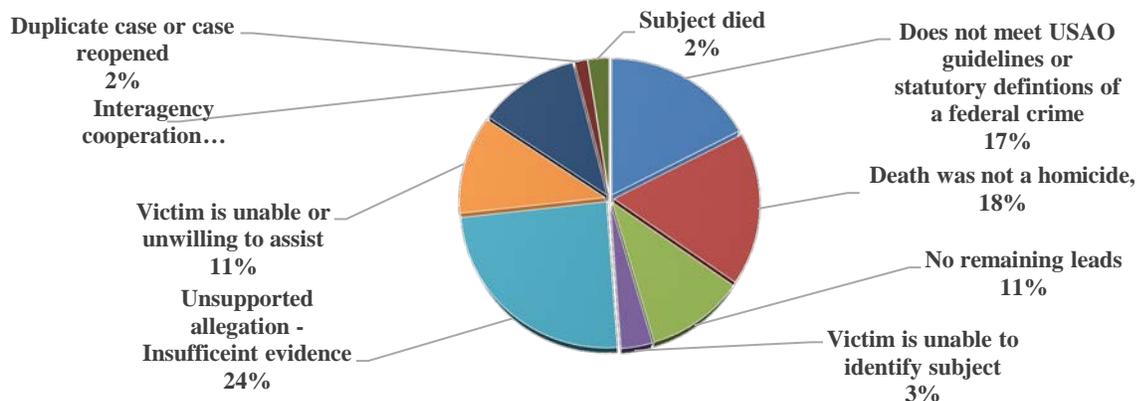


Table 7 provides additional information on a selection of violent crime investigations for CY 2019 administratively closed by four Indian country FBI divisions with the largest Indian country caseload.¹⁵ The chart below depicts the number of administratively closed investigations where the subject and victim status was identified. Investigations are not included in this table if the subject or victim does not fit into one of the categories below or, if the subject was not identified, or the subject was a business.

¹⁵ Due to low frequencies elsewhere, only investigations from four Divisions (responsible for 75% of all cases) for the top four violent crimes are represented in Table 7. Again, this data does not include alleged crimes within these categories that were investigated solely by the BIA or other federal law enforcement agencies.

Table 7: Violent Crimes Administratively Closed in Four Divisions, Victim and Subject Status, by FBI Division, CY 2019

	Assault			Child Sexual Abuse		
	Indian Victim, Indian Subject	Indian Victim, Non-Indian Subject	Non-Indian Victim, Indian Subject	Indian Victim, Indian Subject	Indian Victim, Non-Indian Subject	Non-Indian Victim, Indian Subject
AQ	5			5		
MP	9			44		
PX	42	1		58		
SU	7	1		16		
Total	59	2	0	123	0	0

	Death Investigation ¹⁶			Sexual Assault		
	Indian Victim, Indian Subject	Indian Victim, Non-Indian Subject	Non-Indian Victim, Indian Subject	Indian Victim, Indian Subject	Indian Victim, Non-Indian Subject	Non-Indian Victim, Indian Subject
AQ	1					
MP	5			2		
PX	5			9		
SU	8					
Total	19	0	0	11	0	0

IV. EOUSA’s TLOA Report

The Department recognizes its trust responsibility to the federally recognized tribes across the United States and strives to work with tribes to uphold and enhance public safety in tribal communities. Violent crime is a significant focus for the federal judicial districts with federally recognized tribes.

The Native American Issues Subcommittee (NAIS) of the Attorney General Advisory Committee of United States Attorneys (AGAC) is the oldest subcommittee of the AGAC and is vital to the Department’s mission in Indian country to work with tribal partners in building and sustaining safe and secure communities. NAIS membership is made up of over 25 United States Attorneys that have Indian country in their districts. The focus of the NAIS is exclusively on Indian country issues, both criminal and civil. The NAIS is responsible for making policy recommendations to the AGAC regarding enhancing public safety and addressing legal issues that affect tribal communities.

¹⁶ Most administratively closed death investigations do not have a victim/subject dynamic because it is determined the victim died as a result of natural causes, an accident, or suicide.

Every USAO with Indian country in its district must engage annually, in coordination with its law enforcement partners, in consultation with the federally recognized tribes in that district. In addition, every newly confirmed United States Attorney must conduct a consultation with tribes in his or her district and develop or update the district's operational plan within eight months of assuming office. All USAOs with Indian country responsibilities have implemented district operational plans. The subject matter of each district's plan depends on the jurisdictional status of the federally recognized tribes in that district as well as the unique characteristics and challenges confronting those tribal nations. Operational plans include certain core elements regarding communication between federal and tribal partners; coordination of investigations among law enforcement entities; USAO community outreach; law enforcement training; victim advocacy; combating violence against women and children; and federal accountability regarding Indian country prosecutions.

All USAOs with Indian country responsibilities must appoint at least one Assistant United States Attorney (AUSA) as a Tribal Liaison to serve as the primary point of contact with tribes in the district. Tribal Liaisons are integral to the USAOs' efforts in Indian country. The Tribal Liaison program was established in 1995 and codified with the passage of TLOA. Tribal Liaisons play a critical and multi-faceted role. In addition to their duties as prosecutors, Tribal Liaisons often coordinate with and train federal and tribal law enforcement investigating federal violations in Indian country.

Tribal Liaisons often function in a role similar to that of a local district attorney in a non-Indian country jurisdiction and are accessible to the community in ways that are unique from other AUSAs. The nature and circumstances of the tribes in their districts often influence the job duties of Tribal Liaisons. Tribal Liaisons have relationships and frequent contact with tribal governments; including government leaders, law enforcement, courts, prosecutors, and social service agency staff.

Tribal Liaisons continue to play a critical role in USAO implementation of TLOA and the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) by fulfilling the need for skilled, committed prosecutors working on the ground in Indian country. In particular, Tribal Liaisons worked with tribes in organizing multi-disciplinary teams (MDTs) that primarily address child abuse cases, and Sexual Assault Response Teams (SARTs) that coordinate community response to sexual violence. Both MDTs and SARTs consist of federal, tribal, and state subject matter experts. In addition, Tribal Liaisons perform outreach in tribal communities to educate tribal members on various issues involving substance abuse and violent offenses in an effort to reduce crime and train tribal law enforcement on legal issues such as search and seizure. Tribal Liaisons also help foster and cultivate relationships among federal, state, and tribal law enforcement officials by convening meetings to discuss jurisdictional issues and developing inter-agency law enforcement taskforces. In addition, Tribal Liaisons work to coordinate and collaborate among federal, tribal, and state law enforcement agencies and prosecutors to discuss the merits of the prosecution of offenses committed within Indian country and to help determine the appropriate venue for matters to be prosecuted. These relationships enhance information sharing and assist the coordination of all criminal prosecutions.

Although Tribal Liaisons may be the most experienced federal prosecutors of crimes in Indian country, the large volume of cases from Indian country often requires these prosecutions

to be distributed among numerous AUSAs in many districts. Table 8 contains a list of all 51 USAOs with Indian country responsibility.

Table 8: United States Attorneys’ Offices with Indian country or Federally Recognized Tribes

District Name	District Abbreviation	District Name	District Abbreviation
Middle District of Alabama	ALM	District of Nevada	NV
Southern District of Alabama	ALS	District of New Mexico	NM
District of Alaska	AK	Eastern District of New York	NYE
District of Arizona	AZ	Northern District of New York	NYN
Central District of California	CAC	Western District of New York	NYW
Eastern District of California	CAE	Western District of North Carolina	NCW
Northern District of California	CAN	District of North Dakota	ND
Southern District of California	CAS	Eastern District of Oklahoma	OKE
District of Colorado	CO	Northern District of Oklahoma	OKN
District of Connecticut	CT	Western District of Oklahoma	OKW
Middle District of Florida	FLM	District of Oregon	OR
Southern District of Florida	FLS	District of Rhode Island	RI
District of Idaho	ID	District of South Carolina	SC
Northern District of Indiana	INN	District of South Dakota	SD
Northern District of Iowa	IAN	Western District of Tennessee	TNW
District of Kansas	KS	Eastern District of Texas	TXE
Western District of Louisiana	LAW	Western District of Texas	TXW
District of Maine	ME	District of Utah	UT
District of Massachusetts	MA	Eastern District of Virginia	VAE
Eastern District of Michigan	MIE	Western District of Virginia	VAW
Western District of Michigan	MIW	Eastern District of Washington	WAE
District of Minnesota	MN	Western District of Washington	WAW
Northern District of Mississippi	MSN	Eastern District of Wisconsin	WIE
Southern District of Mississippi	MSS	Western District of Wisconsin	WIW
District of Montana	MT	District of Wyoming	WY
District of Nebraska	NE		

Overview of How a Matter or Case is Handled in a USAO

Referrals: A referral is the mechanism by which a law enforcement agency seeks involvement or advice of a USAO in a particular matter. A referral may take many forms, ranging from a formal, written presentation by a law enforcement agency to an informal phone call. In addition, how and when a law enforcement agency decides to refer a matter to a USAO depends on many factors, including the nature of the case, the stage of the investigation, and the relationship between the USAO and the law enforcement agency.

Declinations: A declination is a decision by a USAO not to pursue criminal prosecution of a referral from a law enforcement agency. The fact that a USAO has received a referral does not mean that a prosecutable case exists. As discussed later in this report, the vast majority of declinations involve cases in which the USAO lacks sufficient evidence to prosecute. Further, cases that are initially declined may be reopened at a later date upon receipt of additional evidence and successfully prosecuted. Declinations do not include cases referred to another jurisdiction for prosecution, as described below.

Cases Referred to Another Jurisdiction: Certain cases are identified by the USAO as prosecutable but referred to another jurisdiction for prosecution. This typically occurs in instances in which the Department recognizes that it would be more appropriate for the other jurisdiction to prosecute the offense, and in the context of this report, is most often a recognition of tribal sovereignty. In CY 2019, EOUSA began tracking cases referred to other jurisdictions separately from declinations; previously, they had been included with declinations in EOUSA's reporting.

Types of Declinations: There are two types of declinations: an "immediate declination" and a "later declination." An "immediate declination" occurs when a USAO does not open a file on a referral and does not pursue prosecution of the referral.

Examples of immediate declinations include the following:¹⁷

Sexual Assault Referral

An 11-year-old Indian male touched a 12-year-old Indian female's buttock, through the victim's jeans, during a house party at a residence in Indian country. The incident was reported to the police. The case was immediately declined because the defendant and victim were juveniles and the tribal system had adequate resources to deal with the case in the most effective manner.

Assault Referral

Two males left a basketball game that was played in a gymnasium located on a reservation. In the parking lot of a fastfood restaurant across the street, the two males began to argue about the results of the game. The argument escalated into a physical altercation. Police arrived and saw that one of the males had a black eye that was swollen shut as a result of the altercation. The case was opened, but upon review it was

¹⁷ These examples represent actual matters.

determined that the location of the crime was not in Indian country. The case was declined for lack of jurisdiction.

A “later declination” occurs when a USAO opens a file on the referral, conducts a more significant amount of work on the matter, but ultimately does not pursue prosecution of the referral. Here is an example of a later declination:¹⁸

Sexual Assault Referral

The victim reported she was at a friend’s house, located in Indian country, drinking alcohol. The victim eventually lost consciousness and was locked inside a bedroom by her friends. The next morning the victim woke up and did not have any clothes on. The victim called the police and reported that she may have been sexually assaulted. After weeks of investigation, it was determined that there was no evidence of any type of sexual assault. The case was declined for lack of evidence of a crime.

Prosecutorial Discretion/Guidelines and Ethical Obligations: While federal prosecutors have discretion in charging cases, declining cases, or referring matters to another jurisdiction, they operate within the confines of the law, Department policy, and the evidence gathered in the cases. The Department’s Justice Manual (JM) provides guidance as to proper considerations for charging, declining, or referring a case to another jurisdiction. JM § 9-27.220 provides:

The attorney for the government should commence or recommend federal prosecution if he/she believes that the person’s conduct constitutes a federal offense, and that the admissible evidence will probably be sufficient to obtain and sustain a conviction, unless (1) the prosecution would serve no substantial federal interest; (2) the person is subject to effective prosecution in another jurisdiction; or (3) there exists an adequate non-criminal alternative to prosecution.

Communications with Tribes Regarding Declinations: The Department recognizes the importance of communication between the Department and tribes, particularly regarding law enforcement and case coordination. The Department is committed to continuing to improve these communications.

Current Avenues for Communication: As stated previously, each USAO with Indian country in its district has at least one Tribal Liaison. Declination information is communicated to tribal law enforcement through the Tribal Liaison or other mechanism put in place by the USAO. Current federal law provides:

If a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of federal criminal law in Indian country, the United States Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use of evidence relevant to the case in a tribal court with authority over the crime alleged.

¹⁸ This example represents an actual matter.

25 U.S.C. § 2809(a)(3). Subsection (c) of Section 2809 provides that “[n]othing in this section requires any federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.”¹⁹ However, this statute also provides that reports and information learned during a criminal investigation may be shared with the tribe.²⁰ The Department has taken the position that sharing appropriate information to enable tribal prosecutors to pursue a criminal matter is in the best interest of justice. Moreover, USAO operational plans frequently address how declination decisions will be communicated to tribal justice officials and how case evidence will be shared.

The responsibility to determine whether to charge or decline a case is not taken lightly by the Department. The evidence, applicable law, ethical considerations, and the circumstances of each case drive indictments, complaints, and declination decisions. Federal prosecutors take seriously their obligation to pursue justice in Indian country and work diligently in conjunction with tribal officials to improve the lives of all who live in Indian country. *See* Figure 4 below.

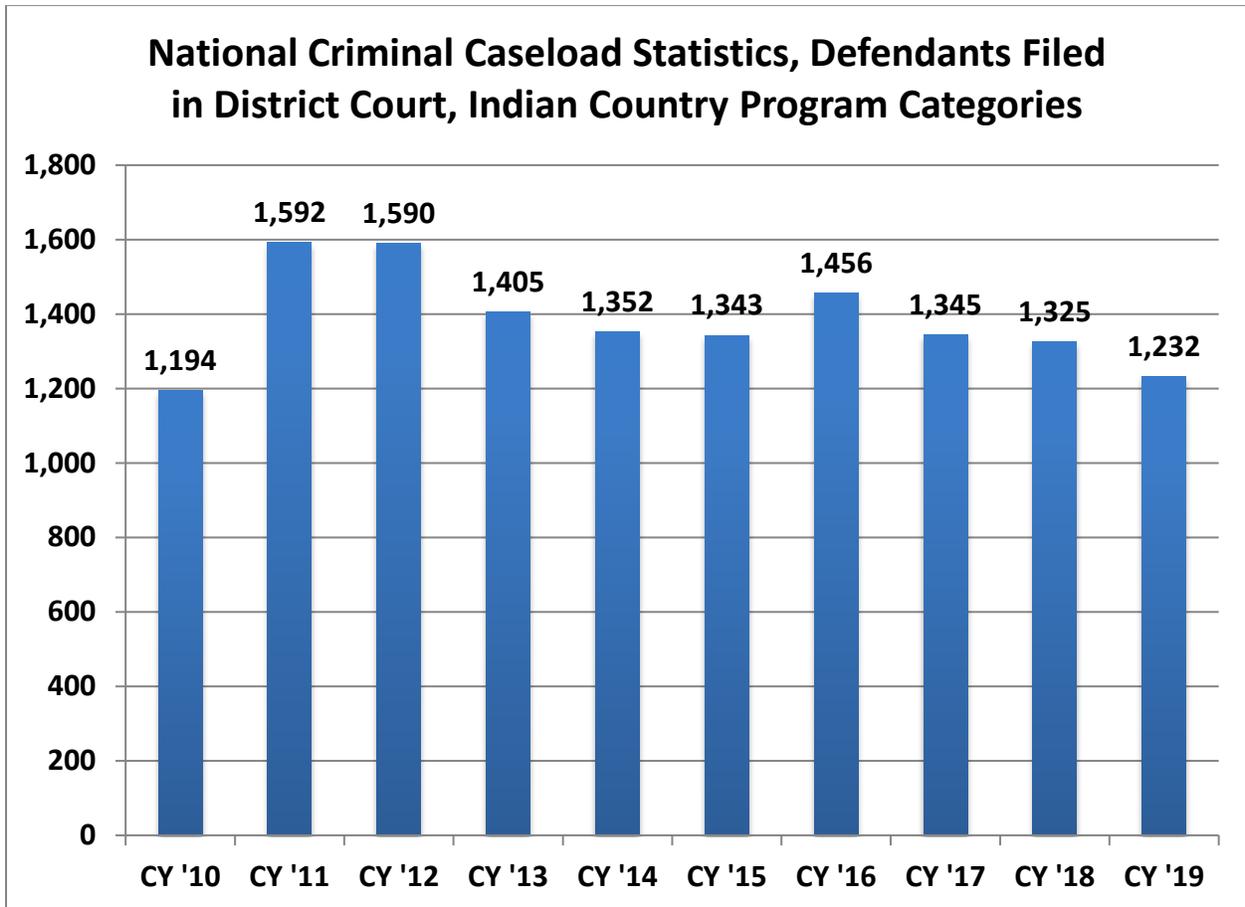
(Space Left Intentionally Blank)

¹⁹ *See* 25 U.S.C. § 2809(c)(1).

²⁰ *See* 25 U.S.C. § 2809(a)(1).

Figure 4: Defendants Filed in All Indian country, CY 2010-CY 2019

Two program categories are relevant to Indian country cases and this report. “Violent Crime in Indian country” (Program Category Code 092) is used to identify violent offenses that occur in Indian country, such as assaults, homicides, and sexual abuse cases. “Indian Offenses” (Program Category Code 065) is used to identify nonviolent offenses occurring in Indian country, such as theft, fraud, and nonviolent drug offenses.



In 2019, implementation of VAWA 2013 remained an important priority for the Department. Federal prosecutors continued to utilize the federal assault charges created by VAWA 2013. In CY 2019, federal prosecutors filed cases against 163 defendants (a decrease of 5 percent from CY 2018 (172 defendants)) under VAWA 2013’s enhanced federal assault statutes. They obtained 148 convictions (an increase of 29 percent from CY 2018 (115 convictions)). Also in CY 2019, prosecutors filed cases against 34 defendants in Indian country cases using the domestic assault by a habitual offender statute, 18 U.S.C. § 117, and obtained 30 convictions.

Examples of successfully prosecuted violent crime cases during the reporting period include:

Sexual Abuse

The defendant, an enrolled member of the Navajo Nation, sexually abused a minor in 2014-2015 while both were living on the reservation. In 2018, the defendant also possessed between 40 and 50 grams of methamphetamine for the purpose of distributing the drugs on the reservation. Upon conviction, the defendant was sentenced to 57 months in prison.

Strangulation

The defendant was convicted of unlawful imprisonment, assault of a dating partner by strangulation, assault of a dating partner by suffocation, interstate domestic violence, assault by striking, beating, or wounding, and eight counts of witness tampering by a federal jury. At the trial, the evidence established that in October and November of 2018, the defendant held the victim against her will, threatened to kill her, assaulted her numerous times by strangulation, suffocation, and by other means sometimes in front of her children. The evidence also established that after the crimes were committed the defendant attempted to improperly influence or prevent the victim's testimony in court and her reports to the police. Further, two other former intimate partners of the defendant testified that he also strangled them in the past and held them against their will. The crimes occurred on the Isabella Reservation in Mt. Pleasant, Michigan. The defendant was sentenced to 864 months in prison.

Assault Resulting in Serious Bodily Injury

On September 2, 2018, at approximately 3:02 a.m., police were notified of a truck driver who had been assaulted while inside his parked semi-truck, in the area of the Fort Hall Casino, on the Fort Hall Indian Reservation. The victim told police that, while he was asleep in his truck's cab, an unknown male, later identified as the defendant, broke into the cab and assaulted him. The defendant demanded money and struck the victim repeatedly with rocks. As a result of the assault, the victim suffered a broken nose, a broken orbital (eye) bone, and a brain hemorrhage. The victim also had seizures as a result of the brain hemorrhage. A witness identified the defendant as the assailant, and the defendant subsequently admitted assaulting the victim, using rocks to beat the victim. He stated that he was intoxicated and wanted money from the victim. The defendant pled guilty in 2019 and was subsequently sentenced to 57 months of imprisonment.

In addition to federal prosecution, a key provision of VAWA 2013 recognizes tribes' inherent power to exercise special domestic violence criminal jurisdiction (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status. Title 25, United States Code, Section 1304 allows tribal prosecutors to prosecute domestic violence, dating violence, and violations of orders of protection that occur on tribal land, regardless of whether the offender is Indian or non-Indian. VAWA 2013 requires implementing tribes to provide certain rights to defendants in SDVCJ cases. In addition, TLOA amended the Indian Civil Rights Act to allow tribes, if TLOA's prerequisites are satisfied, to exercise enhanced sentencing authority. This allows tribes to impose a sentence of no more than three years of imprisonment and a \$15,000 fine for any single offense, but TLOA specifies that a tribe may not "impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of nine (9) years."

Unless a tribe complies with prerequisites for TLOA’s enhanced sentencing, a tribe may not impose any penalty or punishment greater than imprisonment for a term of one year and a \$5,000 fine for a conviction of a single offense that falls within SDVCJ. The Department, along with the Department of Interior’s Bureau of Indian Affairs, continues to assist tribes with implementation.

A. Data Collection within the United States Attorneys’ Offices

EOUSA regularly provides case data information to Congress, Department leadership, the Office of Management and Budget, other federal agencies, and the public to show the ongoing efforts of the USAOs in prosecuting wrongdoers, protecting the public, and defending the interests of the United States. Leadership at every level of the government relies, in part, on these numbers to measure the success of the USAOs in carrying out national, tribal, and local law enforcement priorities, making effective use of taxpayer money, and achieving the goals set by the Department and the Administration. EOUSA relies on case management information to track the prodigious work of the USAOs and to make important resource allocation decisions. In addition, USAO supervisors use case management reports as tools to manage their offices and determine staffing needs. Although data can never fully represent the time, effort, and skill required to prosecute and defend cases, it provides one objective means to measure caseloads and workflows.

CaseView

The USAOs’ portion of this report has been prepared using data from CaseView, EOUSA’s case management system.²¹ CaseView is one method used by EOUSA and USAOs to track data related to the work of the 94 USAOs. CaseView is a database with online capabilities that permits the USAOs and EOUSA to compile, maintain, and track case management information relating to defendants, crimes, criminal charges, court events, and witnesses.

“Matters” are referrals from law enforcement that have been opened in CaseView, but where no charges have yet been filed. Most cases begin as “matters” in CaseView, and are subject to further law enforcement investigation, after which either charges are filed or the matter is declined. The opening of a “matter” in CaseView is an important step at which critical choices must be made about how the matter will be characterized and recorded.

“Declinations,” as discussed above, are matters in which a USAO decides not to pursue a criminal prosecution after referral from a law enforcement agency. All immediate and later declinations must be entered into CaseView. An immediate declination occurs when an investigative agency presents a referral to a USAO that does not warrant federal prosecution based on the facts and circumstances presented. In such an instance, no further investigation is authorized, no matter is opened, and the referral is declined immediately. A later declination occurs when a matter has been opened in CaseView, and a USAO later decides to close the matter without filing charges. This typically follows some investigation or further consultation with the AUSA assigned to the matter.

²¹ In 2017, EOUSA transitioned from the Legal Information Office Network System (LIONS) to CaseView.

“Referrals to Another Jurisdiction for Prosecution,” as discussed above, are matters in which a USAO decides not to pursue a criminal prosecution and instead refers that matter to another jurisdiction. These cases are often the result of how USAOs manage Indian country cases. Many districts hold meetings to review Indian country cases with law enforcement personnel. These meetings, conducted by phone or in person, may involve an AUSA, tribal prosecutor, and federal and tribal law enforcement. During the meetings, cases arising on a particular reservation are discussed. The decision about which jurisdiction — federal or tribal — will prosecute a particular case is considered and discussed by the federal and tribal prosecutors, with input from investigative law enforcement agencies.

This collaboration and coordination was contemplated by TLOA’s amendment of 25 U.S.C. § 2809(a)(3), the Indian Law Enforcement Reform Act. It also confirms the Department’s January 2010 directive that “tribal governments have the ability to create and institute successful programs when provided with the resources to develop solutions that work best for their communities.”²² As noted above, the passage of TLOA with its provision of enhanced sentencing authority for qualifying tribal courts means that more cases will be referred to tribal courts for prosecution. These referrals are typically done at the request of or with the consent of the tribe’s law enforcement authorities. Referral of a criminal matter for prosecution in tribal court is, in fact, an acknowledgement of tribal self-governance. Prior to 2019, when federal prosecutors have declined prosecution in favor of tribal prosecution, the cases were coded in CaseView as declinations—referred to a different jurisdiction, but in 2019, in recognition of the above, adjustments were made in CaseView to distinguish between declination and referrals.

Data on Indian country is identified in CaseView through its “Program Category Code” designation. Program Category Codes are critical to identifying and characterizing the types of matters handled by the USAOs.²³ As noted earlier, two Program Category Codes are particularly relevant to Indian country cases.²⁴ EOUSA has instructed the USAOs that all cases arising in Indian country must include an Indian country Program Category Code in addition to any other code assigned to the case.

Limitations of the CaseView Data

The statistics presented in this report are subject to a number of limitations present in the CaseView case management system.

²² <http://www.justice.gov/dag/dag-memo-indian-country.html>

²³ CaseView has nearly 100 Program Categories Codes. For example, there are designations for corporate fraud, health care fraud, mortgage fraud, domestic terrorism, wildlife protection, drug trafficking, child pornography, firearms offenses, and domestic violence. CaseView can capture more than one program area in a single case through the use of multiple Program Category Codes. For example, if one case involved drug trafficking, money laundering, and immigration offenses, the matter should be coded using all three Program Category Codes. More than one Program Category Code may be selected when entering cases into CaseView, but only one code is required.

²⁴ “Violent Crime in Indian country” (Program Category Code 092) is used to flag violent offenses that occur in Indian country, such as assaults, homicides, and sexual abuse cases; “Indian Offenses” (Program Category Code 065) is used to identify nonviolent offenses occurring in Indian country, such as fraud and nonviolent drug offenses.

When a matter or case is opened in CaseView, the Program Category Code is selected at the discretion of each USAO, after assessing which category or categories are applicable. The office determines who enters the data, how and when the data are entered, and how cases are designated. During data entry, more than one Program Category Code may be associated with a case, but only one is required.

CaseView is not designed to check entries for accuracy and internal consistency. It does not require a case to be identified as having occurred in Indian country, and does not crosscheck entry fields or funnel data entry options based on previous responses. This means that a case can be classified with incorrect information and CaseView does not reject these entries or force them to be corrected. The entry will remain in CaseView until it is detected and manually corrected within the fiscal year in which the case or matter was opened.

CaseView data represent a snapshot in time. Thus, not all declinations, referrals, matters, and cases reported in a given calendar year are necessarily crimes that occurred in that year or law enforcement referrals made to a USAO in that year. For example, a USAO may show two sexual assault declinations in CY 2019, yet not have had any sexual assaults referred for prosecution in CY 2019. Rather, these two declinations may represent referrals received in previous years where the investigation was completed in CY 2019 and where the AUSA concluded that there was insufficient evidence to prosecute the cases. This is further complicated by referrals with multiple suspects. For example, if a murder with four suspects was referred for prosecution but declined, CaseView would show four declinations. Accordingly, certain conclusions cannot be drawn from such data. Similarly, five declinations for murder in CY 2019 can in fact be two murders that occurred in CY 2016, with one of the murders having four suspects.²⁵

The uniformity of CaseView data and its suitability for statistical analysis are affected by the variances among districts and by the discretion afforded the 93 individual United States Attorneys to use the system to manage their offices to meet local priorities and needs. A change in a CaseView-generated declination rate may be entirely attributable to a change in the office's policy rather than any changes in the crime rate or prosecution practices or capabilities in that district.

Methodology for Generating Declination or Referral Data

Persons inputting data into CaseView currently choose from five declination reasons and a referral code when recording a declination. Persons inputting the data may enter any of the available declination codes, without an automatic verification by the system. Accordingly, it is difficult to know the extent of any misclassification errors without crosschecking against the paper case files.

²⁵ Additionally, in order to timely prepare this report, the October 1 to December 31, 2019, data appearing in this report was collected prior to the end of FY 2020. It was, therefore, contingent and subject to change before the close of FY 2020 on September 30, 2020.

B. EOUSA CaseView Information

United States Attorneys and Assistant United States Attorneys regularly work with tribal prosecutors and law enforcement regarding cases occurring in Indian country to ensure the cases are handled in the appropriate venue to achieve the most just outcome for the offense. It is not uncommon, once all facts are fully reviewed, for a case to be referred from a United States Attorney's Office to a tribal prosecutor for prosecution.

Table 9 reports Indian country suspects who were referred to a different jurisdiction for prosecution during CY 2019. The data are organized by district, and by different types of crime within each district.

**Table 9: Indian country Suspects Referred to Different Jurisdiction by Type of Crime
January 1 - December 31, 2019**

	Assault	Murder	Sexual Assault (Child and Adult Victims), Sexual Exploitation and Failure to Register as Sex Offender	Drug, Alcohol and Other Offenses	Financial Crimes/ Public Corruption/ Fraud	Jurisdictional, Procedural, Penalty or State Statute	Total
AK	0	0	0	1	0	0	1
AZ	45	5	3	5	0	0	58
ID	1	0	1	0	1	0	3
MIE	5	0	0	0	1	0	6
MIW	1	0	1	0	0	0	2
MN	1	0	0	1	0	0	2
MT	17	3	17	3	0	0	40
NCW	1	0	0	2	0	1	4
ND	12	0	5	6	1	3	27
NE	1	0	2	0	0	0	3
NM	1	0	0	1	2	2	6
NV	0	1	2	0	0	0	3
NYN	1	0	0	0	0	0	1
OKE	1	0	0	0	0	1	2
OKN	0	0	0	0	2	1	3
OKW	0	0	0	2	0	0	2
OR	0	0	1	0	0	0	1
SD	2	0	3	1	1	1	8
WAW	1	0	2	2	0	0	5
WIE	0	0	0	3	0	0	3
TOTAL	90	9	37	27	8	9	180

Table 10 reports the Indian status of suspects and victims of matters that were referred to different jurisdictions during CY 2019. It is organized by case type.

Table 10: Indian Status of Suspects Referred to Different Jurisdiction and the Victims in those Matters 2019

	All suspects in the matter were referred to different jurisdiction				At least 1 suspect in the matter was referred to different jurisdiction, but other co-suspects in the same matter are either still under investigation, or have had charges filed against them in court			
	Suspects Declined, Indian	Suspects Declined, Non-Indian	Victims in these Matters, Indian	Victims in these Matters, Non-Indian	Suspects Declined, Indian	Suspects Declined, Non-Indian	Victims in these Matters, Indian	Victims in these Matters, Non-Indian
Financial Crimes/Public Corruption/Fraud	4	2	1	1	2	0	1	0
Drug, Alcohol, and Other Offenses	12	14	2	6	0	1	0	1
Assault	73	17	38	42	0	0	0	0
Murder	6	3	8	1	0	0	0	0
Sexual Assault (Child and Adult Victims), Sexual Exploitation and Failure to Register as Sex Offender	31	6	23	6	0	0	0	0
Jurisdictional, Procedural, Penalty, or State Statute	4	5	7	1	0	0	0	0

Table 11 reports declinations in CY 2019. It is organized by district, and provides a breakdown of the reason for the declination by suspect.²⁶

Table 11: Number of Suspects in Indian country Declinations by USAOs, by Reason, CY 2019

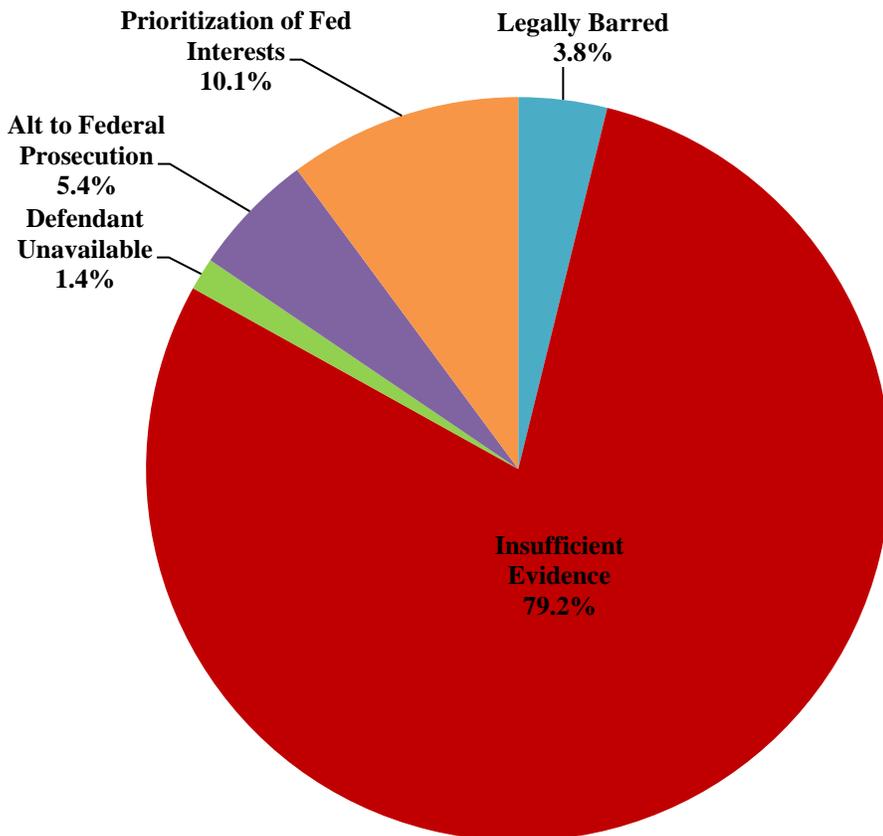
	Legally Barred	Insufficient Evidence	Defendant Unavailable	Alt to Federal Prosecution	Prioritization of Fed Interests	Total
AK	0	1	0	0	0	1
ALM	0	8	0	0	7	15
AZ	4	179	4	1	16	204
CAE	0	4	0	0	0	4
CO	0	8	0	0	2	10
IAN	1	0	0	0	0	1
ID	1	8	1	2	0	12
ILN	0	0	1	0	0	1
INN	0	0	0	2	1	3
MIE	2	24	0	0	13	39
MIW	0	29	0	0	1	30
MN	0	3	0	1	0	4
MSN	0	1	0	0	0	1
MSS	0	3	0	1	0	4
MT	2	42	1	3	3	51
NCW	1	2	0	0	0	3
ND	12	77	0	12	5	106
NE	0	11	1	0	0	12
NM	2	114	2	3	2	123
NV	0	11	0	0	0	11
NYN	0	7	0	0	0	7
NYW	0	1	0	0	0	1
OKE	2	10	0	2	8	22
OKN	1	3	0	0	1	5
OKW	0	4	0	6	5	15
OR	0	3	0	3	0	6
SD	1	45	0	5	1	52
UT	0	9	0	0	0	9
WAE	0	1	0	0	7	8
WAW	0	3	0	0	1	4
WIE	1	5	0	0	1	7
WIW	0	0	0	0	2	2
WY	0	2	1	1	3	7
TOTAL	30	618	11	42	79	780

Variances in reporting are a direct result of the way that data may be collected over a period of one or more years. Cases may be opened in a USAO during one calendar year and may

²⁶Prosecutors may only choose one declination reason for Suspects in Later Declinations, as opposed to Suspects in Immediate Declinations, where prosecutors may use up to three declination reasons. In every data point in this report where declination reasoning is being counted, only the first declination entered by the docketer is used for analysis. For example, a suspect in an Immediate Declination may have declination reason #1 = Insufficient Evidence, #2 = Prioritization of Federal Interests, and #3 = Defendant Unavailable. In this situation, EOUSA is only counting the suspect once who declined due to insufficient evidence.

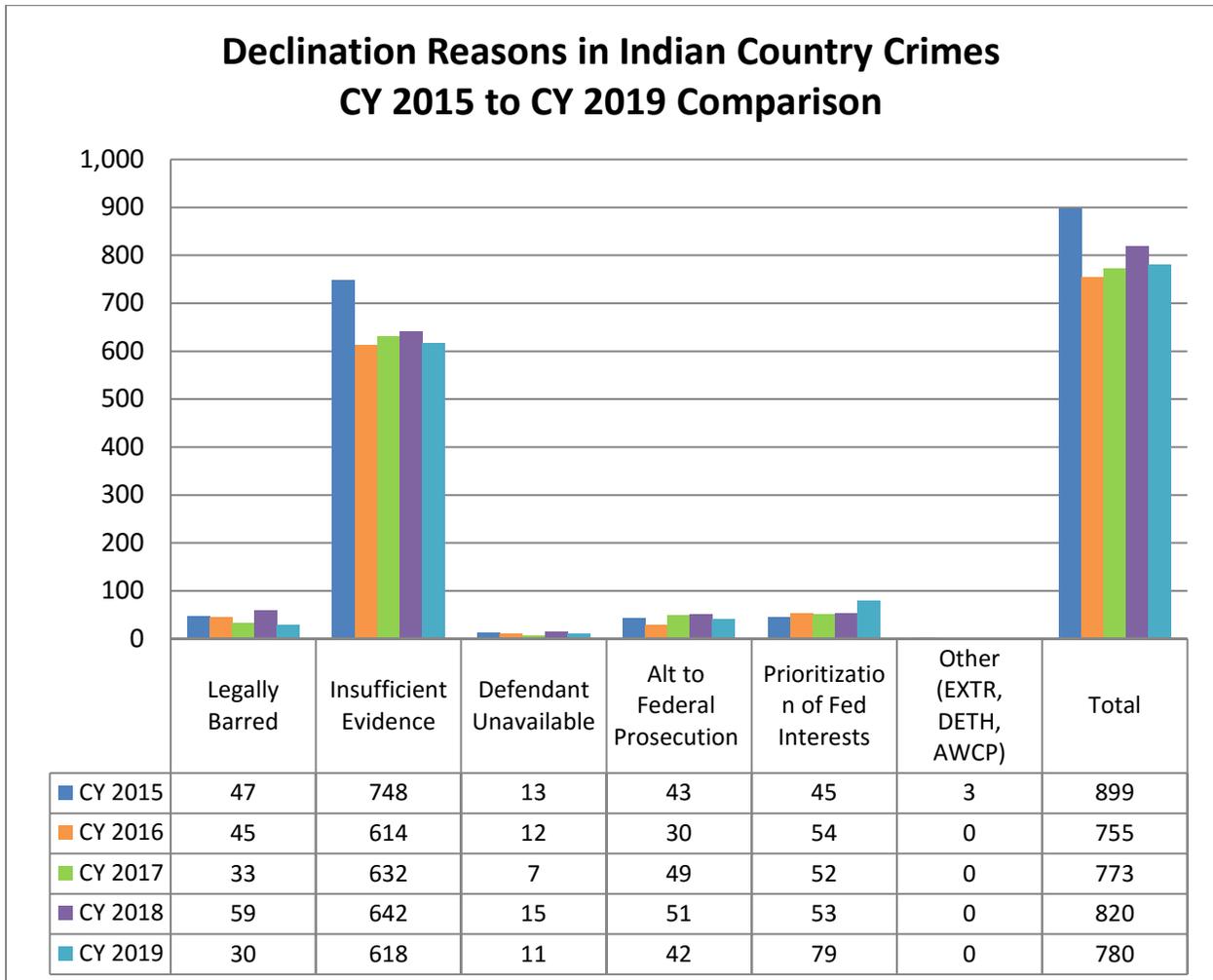
continue to be investigated in a second or even a third year before ultimately being resolved. For example, in 2019, the USAO for the Eastern District of Oklahoma reported that it had 22 declinations in total, compared to 5 in 2018. Some of the criminal matters that originated in 2018 were not declined until 2019. Hence, the total declination number for 2019 was higher than for 2018.

Figure 5: Declination Reasons for Indian country Crimes, CY 2019



As demonstrated in Figure 5, the majority of all declined cases for CY 2019 were declined due to insufficient evidence. The insufficient evidence category includes circumstances where there is a lack of evidence of criminal intent, weak or insufficient evidence, or witness issues. Figure 6 below provides a comparison of declination categories selected for CY 2015 through CY 2019 for Indian country cases. In matters where there is insufficient evidence, the government cannot sustain its burden of proof beyond a reasonable doubt, and the prosecutor must decline these matters. If additional evidence is developed later, however, the matter may be reopened and successfully prosecuted.

Figure 6: Declination Reasons in Indian country Crimes, CY 2015 through CY 2019 Comparison



Methodology for Generating Type of Crime Data

USAOs enter matters within a CaseView Program Category by the lead charge code or type of crime. The CaseView User Manual states the lead charge is the substantive statute that is the primary basis for the referral. Given the number of federal criminal code sections and the ability to assimilate state law for certain crimes occurring in Indian country (under the Assimilative Crimes Act, 18 U.S.C. § 13), this report assigns the lead charge to broad categories based on case commonality. As noted above, all lead criminal statutes appearing in CY 2017 Indian country cases (those assigned Program Category Code 065 or 092) were reviewed and grouped into six categories: assault (including threats to a federal officer or public or foreign officials, as well as Violence Against Women Act violations); murder; sexual assault (including

child and adult victims); drug, alcohol, and other offenses; financial crimes, public corruption, and fraud; jurisdictional, penalty, or state statutes.²⁷

Aggregate Declination Data by Type of Crime

Table 12 reports aggregate declinations by type of crime and federal judicial district and Figure 7 provides a percentage breakdown of aggregate declinations by types of crime. Table 12 categorizes the aggregate declinations and the reasons those cases were declined.

(Space Left Intentionally Blank)

²⁷ A complete list of all lead criminal charges used in CY 2018, as assigned to one of the six categories created for purposes of this report, can be found at Appendix B.

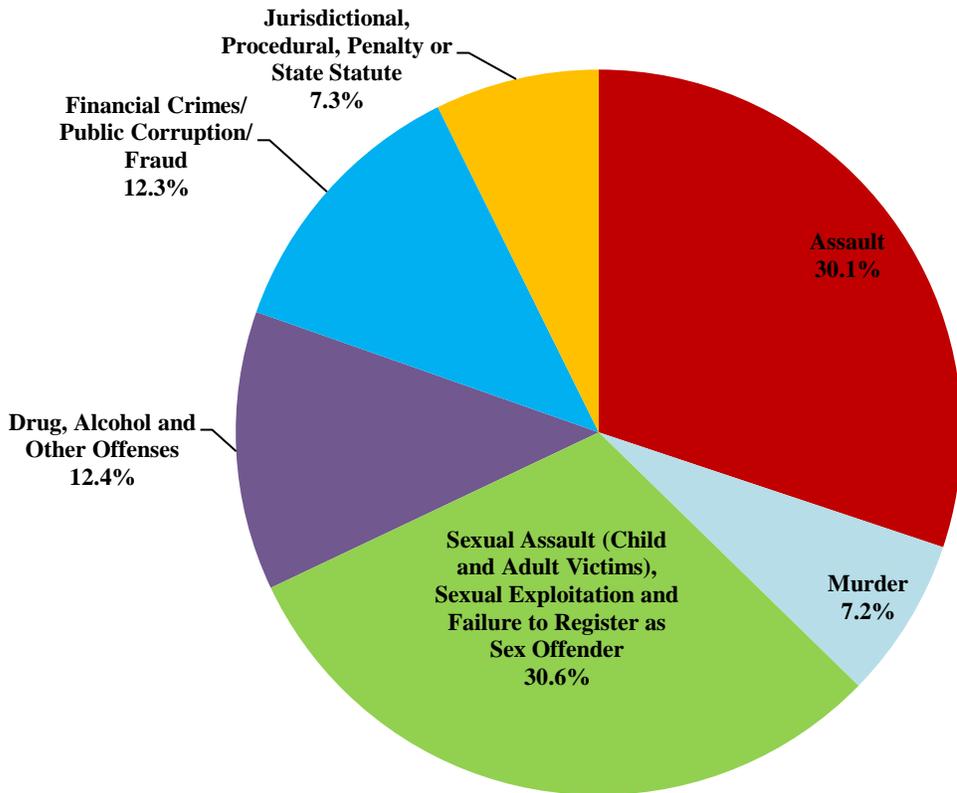
Table 12: Indian country Defendants Declined, by USAO, by Type of Crime, CY 2019²⁸

**Indian country Defendants Declined by Type of Crime
January 1 - December 31, 2019**

	Assault	Murder	Sexual Assault (Child and Adult Victims), Sexual Exploitation and Failure to Register as Sex Offender	Drug, Alcohol and Other Offenses	Financial Crimes/ Public Corruption/ Fraud	Jurisdictional, Procedural, Penalty or State Statute	Total
AK	0	0	0	0	1	0	1
ALM	0	0	0	0	10	5	15
AZ	70	21	58	22	12	21	204
CAE	0	0	0	1	3	0	4
CO	5	0	1	1	0	3	10
IAN	1	0	0	0	0	0	1
ID	4	2	3	2	1	0	12
ILN	0	0	0	1	0	0	1
INN	0	0	0	0	3	0	3
MIE	21	1	3	6	4	4	39
MIW	13	0	11	2	3	1	30
MN	1	1	1	1	0	0	4
MSN	0	0	1	0	0	0	1
MSS	2	0	1	0	0	1	4
MT	17	4	15	11	4	0	51
NCW	1	0	1	0	1	0	3
ND	32	5	54	10	3	2	106
NE	3	0	5	1	1	2	12
NM	33	12	46	12	13	7	123
NV	3	1	3	3	1	0	11
NYN	0	0	0	6	1	0	7
NYW	0	0	1	0	0	0	1
OKE	4	0	2	1	15	0	22
OKN	0	0	1	3	1	0	5
OKW	2	0	1	5	5	2	15
OR	3	0	1	0	2	0	6
SD	17	4	20	1	7	3	52
UT	0	2	4	0	2	1	9
WAE	2	2	4	0	0	0	8
WAW	0	0	0	0	0	4	4
WIE	0	0	0	6	0	1	7
WIW	0	0	0	1	1	0	2
WY	1	1	2	1	2	0	7
TOTAL	235	56	239	97	96	57	780

²⁸ This table excludes USAOs that did not report any declinations for CY 2019.

Figure 7: Indian country Declinations, by Investigative Charge, CY 2019



In 2019, the majority (60.7 percent) of declinations involved the categories of physical assaults and sexual assaults, sexual exploitation, or failure to register as a sex offender. These statistics are consistent with statistics from previous years. While the relatively high declination rate for these types of offenses is troubling, it is also not entirely unexpected given the challenges inherent in prosecuting these types of crimes — challenges that are not unique to the federal system.

Cooperation among federal and tribal law enforcement and victim advocates is key to successfully prosecuting a sexual assault perpetrator in Indian country. Currently, every USAO with Indian country has developed guidelines for handling sexual violence cases designed to improve the federal response to sexual abuse in tribal communities.

(Space Left Intentionally Blank)

**Table 13: Indian country Defendants Declined
by Type of Crime and Declination Reason, CY 2019**

	Legally Barred	Insufficient Evidence	Defendant Unavailable	Alt. to Federal Prosecution	Prioritization of Fed. Resources and Interests	Total
Assault	8	197	0	13	17	235
Murder	6	46	1	0	3	56
Sexual Assault (Child and Adult victims)	8	206	4	9	12	239
Drug, Alcohol, and Other Offenses	1	66	3	8	19	97
Financial Crimes/Public Corruption/Fraud	5	62	0	10	19	96
Jurisdictional, Penalty, or State Statute	2	41	3	2	9	57
Total	30	618	11	42	79	780

Declinations alone do not provide an accurate accounting of the USAOs’ handling of Indian country criminal cases. To provide context to the declination numbers, Table 13 lists for each federal judicial district the “total Indian country matters resolved” — that is, the total number of Indian country suspects in immediate declinations, suspects in matters terminated (which includes all later declinations), and defendants filed.²⁹

For example, Table 14 shows that in the District of Arizona there were 651 Indian country matters resolved in CY 2019. This number includes the 204 declinations previously reported in Tables 11 and 12. It also includes an additional 389 Indian country cases that the District of Arizona resolved in CY 2019 by means other than a federal declination or referral and 58 Indian country matters referred to another jurisdiction for prosecution.

Similarly, for all districts combined, 2,426 Indian country matters were resolved in CY 2019. This number includes the 780 declinations reported in Tables 11 and 12. It also includes 1,466 matters

²⁹ Please note that CaseView is not self-correcting and that a USAO can, in error, report an Indian country declination.

in Indian country that were resolved in CY 2019 by means other than a federal declination or referral and 180 Indian country matters referred to another jurisdiction for prosecution.

Table 14: Total Indian country Matters Resolved by USAO, CY 2019

District	CY 2019 Indian country Matters Resolved	CY 2019 Indian country Declinations	CY 2019 Indian country Matters Referred to Different Jurisdiction	CY 2019 Indian country Matters Resolved Other than by Federal Declination or Referral
AK	9	1	1	7
ALM	17	15	0	2
AZ	651	204	58	389
CAE	4	4	0	0
CAN	2	0	0	2
CO	30	10	0	20
FLM	3	0	0	3
IAN	4	1	0	3
ID	51	12	3	36
ILN	1	1	0	0
INN	7	3	0	4
LAW	1	0	0	1
MIE	78	39	6	33
MIW	62	30	2	30
MN	44	4	2	38
MSN	1	1	0	0
MSS	21	4	0	17
MT	192	51	40	101
NCW	13	3	4	6
ND	220	106	27	87
NE	62	12	3	47
NM	246	123	6	117
NV	18	11	3	4
NYN	16	7	1	8
NYW	3	1	0	2
OKE	35	22	2	11
OKN	28	5	3	20
OKW	121	15	2	104
OR	42	6	1	35
SD	282	52	8	222
TXW	3	0	0	3
UT	15	9	0	6
WAE	36	8	0	28
WAW	34	4	5	25
WIE	36	7	3	26
WIW	4	2	0	2
WY	34	7	0	27
ALL DISTRICTS	2,426	780	180	1,466

Defendant and Victim Indian/Non-Indian Status

TLOA requires that USAOs record the Indian/non-Indian status of the defendants and victims. Historically, this information was not a required field in CaseView. Since 2001, USAO personnel have been instructed to enter victim information for all cases, including Indian country cases, only in the Department of Justice's Victim Notification System (VNS), rather than in CaseView.³⁰

(Space Left Intentionally Blank)

³⁰ Where possible, all victim information and notifications in criminal cases that have been accepted for prosecution are made available by VNS. This computer-based system provides federal crime victims with information on scheduled court events, as well as the outcome of those court events. It also provides victims with information on the offender's custody status and release. These victim notifications are required by the Crime Victims' Rights Act, 18 U.S.C. § 3771. USAO personnel are instructed to include victim information in VNS rather than CaseView to avoid duplicate data entry and to ensure that all statutorily required notifications were made to victims.

Table 15: Indian Status of Suspects and Victims in Declined Indian country Matters, CY 2019

Indian Status of Suspects Declined and the Victims in those Matters, in which:

	All suspects in the matter were declined				At least 1 suspect in the matter was declined, but other co-suspects in the same matter are either: still under investigation, or had charges filed against them in court			
	Suspects Declined, Indian	Suspects Declined, Non-Indian	Victims in these Matters, Indian	Victims in these Matters, Non-Indian	Suspects Declined, Indian	Suspects Declined, Non-Indian	Victims in these Matters, Indian	Victims in these Matters, Non-Indian
Financial Crimes/Public Corruption/Fraud	22	70	17	9	2	2	4	0
Drug, Alcohol, and Other Offenses	48	33	19	10	5	11	1	1
Assault	174	56	133	34	5	0	4	5
Murder	18	33	17	13	5	0	2	1
Sexual Assault (Child and Adult Victims), Sexual Exploitation and Failure to Register as Sex Offender	161	77	149	36	1	0	2	0
Jurisdictional, Procedural, Penalty, or State Statute	29	27	31	16	1	0	1	0

C. Examples of Successful Indian country Prosecutions

As shown by the data, Indian country prosecutors secured over a thousand convictions in calendar year 2019. Below are additional examples of convictions that provided a significant impact to the affected communities.

U.S. v. Anderson – District of Arizona

Mickey Roy Anderson of Parker, Arizona and a member of the Colorado River Indian Tribes, was sentenced in June 2019 to life in prison, 10 years in prison to run consecutive to his life sentence, and

seven years in prison to run concurrent to his life sentence. Anderson was found guilty by a federal jury on March 5, 2019 of first degree murder, use of a firearm during a crime of violence, and burglary of a residential structure. The evidence at trial showed that on Jan. 23, 2014, Anderson walked into the victim's home, stood a few feet from the victim and shot her in the face. The victim died almost instantly. The victim was also a member of the Colorado River Indian Tribes, and the murder happened on the Colorado River Indian Reservation.

U.S. v. Josytewa – District of Arizona

Louie Josytewa of Second Mesa, Ariz., was sentenced in November 2019 to 27 years of imprisonment to be followed by a lifetime term of supervised release. Josytewa was convicted of two crimes at a jury trial earlier in 2019: (1) Abusive Sexual Contact with a Child, and (2) Offense by a Registered Sex Offender. In October 2016, Josytewa sexually abused the seven-year-old victim at a home on the Hopi Indian Reservation. Josytewa – an enrolled member of the Hopi Tribe – had been previously convicted of a sexual offense against a nine-year-old child in 1992.

U.S. v. Whitefeather – District of Minnesota

In June 2019, Michael Wayne Whitefeather was sentenced to 264 months in prison following a December 2018 guilty plea for murder in the second degree. According to the defendant's guilty plea and documents filed in court, during the early morning hours of April 28, 2018, Whitefeather and several other members of the Back of Town ("BOT") gang were driving around looking for rival gang members on the Red Lake Indian Reservation. They encountered the victim and another male walking in a parking lot between the Red Lake Skate Park and the Red Lake Middle and High Schools. Whitefeather and the other BOT gang members mistakenly thought the victim was a rival gang member. Whitefeather exited the vehicle, retrieved a shotgun, and chased after the victim on foot. When Whitefeather caught up to the victim, he assaulted him and shot him in the face, resulting in the victim's death.

U.S. v. Smells – District of Montana

In November 2019, Joseph Nathan Smells of Pryor, Montana, was convicted by a jury of assault resulting in serious bodily injury following a two-day trial. The assault occurred on the Crow Indian Reservation. In documents filed in the case, the prosecution presented evidence that Smells assaulted the victim, an elderly man, by head-butting and punching him on Feb. 13, 2019. The victim suffered multiple facial injuries that required surgery. In April 2020, Smells was sentenced to 54 months in prison and three years of supervised release.

U.S. v. Littlebird – District of Montana

Randy Lee Littlebird was sentenced in December 2019 to 25 years in prison and five years of supervised release in connection with the 2018 strangulation death of a woman on the Northern Cheyenne Indian Reservation. The prosecution said in court records that Littlebird killed the victim on Feb. 4, 2018, at a shared residence in Birney. Littlebird and the victim were drinking alcohol throughout the day and were intoxicated. Another individual in the house heard a confrontation between the two and the victim yell, "No Randy, don't, don't," then her scream, followed by silence. Littlebird entered the individual's room and said that the victim was unresponsive. The individual found the victim lying on the floor near a rope. Littlebird claimed the victim had killed herself and he had moved the body. An autopsy determined the cause of death was ligature strangulation and multiple blunt force injuries.

In an interview with FBI and BIA agents, Littlebird confessed to fatally strangling the victim. He admitted to tying ropes around the victim's ankles to prevent her from leaving and then he left the room. When he returned, the two argued some more. Littlebird then grabbed the rope, which was now around the victim's neck, and while standing, pulled on it, strangling her. Littlebird has four prior domestic abuse convictions on the Northern Cheyenne Reservation.

U.S. v. Mason – District of North Dakota

In November 2019, Kelly Shayne Mason pled guilty to three counts of aggravated sexual abuse of a child. In 2017, one of three child victims in this case told police that Mason had sexually abused her on Spirit Lake Reservation approximately a decade earlier. The report launched a full investigation, during which investigators learned that Mason had victimized three children. Each of the three child victims were then interviewed by the Northern Plains Children's Advocacy Center in Minot, ND. All three victim girls were under the age of 12 at the time that Mason sexually abused them. On multiple days between September 2006 and August 2010, Mason sexually abused the girls while inside their Fort Totten, ND home. Mason was sentenced in February 2020 to 40 years in prison for all three counts, followed by a lifetime of supervised release.

U.S. v. Hill – Eastern District of Oklahoma

Tyler Leevan Hill was sentenced in April 2019 to 8 months' imprisonment, 6 months of home confinement upon his release from imprisonment, and 5 years of supervised release for Abusive Sexual Contact with a Child In Indian country. As conditions of his supervised release, Hill is required to register as a sex offender, he is not allowed any unsupervised contact with minors, he will attend and successfully complete sex offender treatment, and submit to any polygraphs and DNA testing requested. The charges arose from an investigation by the Muscogee Creek Nation Lighthorse Tribal Police and the FBI. The Indictment alleged that beginning on or about October 30, 2015, and continuing until on or about July 22, 2016, in the Eastern District of Oklahoma, in Indian country, the defendant, an Indian, did knowingly engage in sexual contact as defined in Title 18, United States Code, Section 2246(3), with a person who had attained the age of 12 years, but had not attained the age of 16 years, and was at least four years younger than the defendant, with an intent to arouse and gratify the sexual desire of any person.

U.S. v. Adams – District of South Dakota

In November 2019, Frank Edward Adams was sentenced to 360 months in prison, followed by 7 years of supervised release. The jury found that from December 1, 2015, until November 14, 2018, Adams had knowingly and intentionally combined, conspired, confederated, and agreed with others to distribute and possess with the intent to distribute over 500 grams of methamphetamine, which is a Schedule II controlled substance, on the Crow Creek and Lower Brule reservations in South Dakota. Evidence established that Adams was the nucleus of a large drug trafficking conspiracy that involved well over 4600 grams of methamphetamine. Adams supplied large quantities of methamphetamine several times a month to the Crow Creek and Lower Brule reservations in South Dakota. Adams engaged several dealers on both reservations to distribute meth.

U.S. v. Brown – District of South Dakota

Daniel Brown was sentenced to 60 months in prison in December 2019 following his conviction by a jury of involuntary manslaughter. According to court documents, on or about September 8, 2018, in

Bullhead on the Standing Rock Reservation, Daniel Brown unlawfully killed the victim by operating a motor vehicle recklessly while under the influence of alcohol and a controlled substance. Brown had a blood alcohol content of .22 percent and methamphetamine in his system. While driving up an unmaintained steep hill that had a walking path, Brown lost control of his crew cab truck, causing it to roll down the hill. As a result of the roll, two people were ejected, including the victim. The second individual also sustained serious injuries.

V. Department of Justice Commitment to Indian country

The Department is working diligently with Tribes and tribal partners to improve public safety in Indian country. The Department has reinforced its commitment by prioritizing the reduction of violent crime in rural communities, which includes Indian country. This commitment is evident by Attorney General Barr's declaration of a law enforcement emergency in rural Alaska,³¹ which was primarily aimed at addressing the public safety crisis in Native Alaskan villages. The Department's focus on rural communities reflects a recognition that rates of violent crime and substance abuse are unacceptable, particularly in Indian country, which experiences higher rates than anywhere else in the United States.³² The Department is fully committed to holding those accountable that commit egregious crimes in Indian country through investigations and prosecutions of those crimes, as it is integral to ensuring the safety and well-being of tribal communities and their citizens.

Perhaps this is no more apparent than in Attorney General Barr's November 2019 announcement of a national strategy to address missing and murdered Native Americans.³³ The Missing and Murdered Indigenous Persons (MMIP) Initiative placed MMIP coordinators in 11 USAOs. These Coordinators are developing protocols for a more coordinated law enforcement response to missing cases. The plan also called for the deployment of the FBI's most advanced response capabilities when needed, improved data collection and analysis, and training to support local response efforts. These efforts are a recognition of the need to focus on MMIP and the Department's commitment to doing so.

The Department recognizes that partnerships with tribal governments and law enforcement active in Indian country are of paramount importance in the fight against Indian country crime. This is particularly true in Oklahoma, where the Supreme Court's 2020 ruling in *McGirt v. Oklahoma*, which held that much of the eastern portion of Oklahoma is tribal land, emphasizes the continuing need for the Department to work closely with its tribal partners. This need, however, is not confined to Oklahoma. Across the country, the only way for the Department to help tribal partners make lasting changes in Indian country is to support solutions identified by the communities themselves. The Department recognizes the importance of working closely with American Indian and Alaskan Native leadership, as well as Congressional and state representatives, to ensure Department solutions are practical and effective. Productive and focused Department initiatives are vital to helping to address the law enforcement needs of tribes. The Department will continue to work with tribes to enhance their law enforcement capacity, which will also increase public safety.

All Department efforts in Indian country are aimed at helping our tribal partners having safe tribal communities. This is largely done through efforts to support federal, tribal, and local law

³¹ <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-announces-emergency-funding-address-public-safety-crisis>

³² Native American Center for Excellence. Environmental Scan Summary Report: November 2008. Rockville (MD): Substance Abuse and Mental Health Services Administration (US); 2008. Available from: https://www.samhsa.gov/sites/default/files/programs_campaigns/tribal_training/nace-environmental-scan-summary.pdf

³³ <https://www.justice.gov/opa/pr/attorney-general-william-p-barr-launches-national-strategy-address-missing-and-murdered>

enforcement in Indian country in their work to protect tribal communities. The Department acknowledges that significant strides have been made, but the fight is far from over. The Department of Justice is fully committed to its Indian country responsibilities and helping Tribes provide safe communities for all citizens.

“The only way for us to provide effective support is to work in partnership with others. This is true in Alaska and throughout Indian Country.”

*—William P. Barr,
Unites States Attorney General*

VI. Appendix A: Glossary of Terms

Cases Filed: All proceedings for which a significant paper has been filed in court during the reporting period and regardless of the reporting period in which the proceeding was opened as a criminal matter in CaseView. Significant papers include indictments and information filed in district court. United States Magistrate Court and United States Appeals Court filings are not included in these counts.

Defendants in Cases Filed: A count of the defendants associated with each Case Filed. Note that if at least one defendant is in case status, the proceeding is counted as a case even though one or more additional suspects may remain in matter status.

Defendants in Matters Received: A count of the suspects associated with each Matter Received.

Defendants in Matters Terminated: A count of the suspects whose matters were terminated. Note that a count is not added to Matters Terminated until proceedings related to all suspects associated with the matter are terminated.

Immediate Declination: Occurs when the USAO does not open a file on a referral and does not pursue prosecution of the referral.

Matters Received: All proceedings on which AUSAs spend one hour or more of time and that districts open in CaseView after the beginning of the reporting period are counted as Matters Received for that reporting period. Matters Received includes criminal referrals from investigative agencies and matters that may be handled as misdemeanor cases in United States Magistrate Court. Matters Received does not include criminal miscellaneous matters (requests for arrest warrants, search warrants, etc.), petty offenses or infractions, or matters that are immediately declined.

Matters Terminated: All proceedings terminated (closed) during the reporting period without ever having attained case status are counted as Matters Terminated. Matters Terminated includes Later Declinations, No True Bills, and criminal matters that are handled as misdemeanor cases in United States Magistrate Court. Note that a count is not added to Matters Terminated until proceedings related to all suspects associated with the matter are terminated.

Suspect: Refers to an individual identified as potential wrongdoer in an open matter.

VII. Appendix B: Lead Charges Entered into CaseView on Indian country Declinations in CY 2019

Assault

18 USC 111	Assaulting, resisting, impeding certain officers
18 USC 111a	Assaulting, resisting, or impeding certain officers or employees
18 USC 111a1	Forcibly assault/resist/impede/intimidate person engaged official duty
18 USC 113a1	Assault with intent to commit murder
18 USC 113a3	Assault with dangerous weapon intent to bodily harm without just cause
18 USC 113a4	Assault by striking, beating, or wounding
18 USC 113a5	Assault within maritime and territorial jurisdiction - Simple Assault
18 USC 113a6	Assault resulting in serious bodily injury
18 USC 113a7	Assault resulting in substantial bodily injury to an individual
18 USC 113a8	Assault of a spouse/partner by strangling/suffocating or attempting
18 USC 117	Domestic assault by an habitual offender
18 USC 249a1	Hate crime based on racial group animus
18 USC 1959a3	Punishment for assault with a dangerous weapon
18 USC 2113ad	Assault any person, puts life in jeopardy by use of a dangerous weapon
18 USC 2261a1	Interstate domestic violence: Crossing a state line
18 USC 2262	Interstate violation of a protective order
12.1S:12.1-17-04	Terrorizing
14S:14-09-22	Abuse or neglect of child
16S:16-5-20a1	Simple Assault-Attempts to commit violent injury to person of another
30S:30-3-1B	Assault - Threatening conduct
30S:30-6-1B	A person who commits abandonment of a child

Murder

18 USC 1111	Murder
18 USC 1112	Manslaughter
18 USC 1117	Conspiracy to murder
18 USC 2332b1	Attempt to commit a killing that is a murder

Sexual Assault (Child and Adult Victims), Sexual Exploitation and Failure to Register as Sex Offender

18 USC 1169	Indians - Reporting of child abuse
18 USC 1470	Transfer of obscene materials to minors
18 USC 1591	Sex trafficking of children or by force, fraud, or coercion
18 USC 2241	Aggravated sexual abuse
18 USC 2241a	Aggravated sexual abuse by force or threat
18 USC 2241c	Aggravated sexual abuse with children
18 USC 2242	Sexual abuse

18 USC 2242(1)	Whoever threatens or causes another person to engage in a sexual act
18 USC 2242(2)	Engages in a sexual act with another person
18 USC 2243	Sexual abuse of a minor or ward
18 USC 2243a	Sexual abuse of a minor
18 USC 2243a1	Sexual abuse of a minor that has attained age 12 but not age 16
18 USC 2243b	Sexual abuse of a ward
18 USC 2244	Abusive sexual contact
18 USC 2250	Fail to register as sex offender after traveling interstate commerce
18 USC 2250a	Failure to register - In general
18 USC 2251	Sexual exploitation of children
18 USC 2422	Transport for sex - Coercion and enticement
18 USC 2422b	Use interstate/foreign commerce US persuade minor in sexual activity
18 USC 2423	Transportation of minors for sexual activity
12.1S:12.1-20-07(1)a	Sexual Assault - Person knows contact is offensive to the other person

Drug, Alcohol, and Other Offenses

16 USC 668	Bald and golden eagles
16 USC 470eea	Unauthorized excavate/remove/damage/deface of archaeological resources
18 USC 81	Arson in special maritime and territorial jurisdiction
18 USC 242	Deprivation of rights under color of law
18 USC 875	Interstate Communications
18 USC 875c	Transmit interstate/foreign commerce communication threat to kidnap
18 USC 875d	Extortion and threats
18 USC 922a3	Unlawful interstate transfer or receipt of a firearm
18 USC 922g1	Unlawful shipment, transfer, receipt, or possession by a felon
18 USC 922j	Receipt or possession of a stolen firearm and ammunition
18 USC 922k	Unlawful receipt/possession of firearm with obliterated serial number
18 USC 922x2A	Unlawful possession by a juvenile of a handgun
18 USC 951	Agents of foreign governments
18 USC 1170	Illegal trafficking Native American human remains
18 USC 1201	Kidnaping
18 USC 1204	International parental kidnaping
18 USC 1363	Buildings or property within special maritime/territorial jurisdiction
18 USC 1510	Obstruction of criminal investigations
18 USC 1512d	Intentionally harass a person thereby hinder, delay, prevent, dissuade
18 USC 1513	Retaliating against a witness, victim or informant
18 USC 1589	Forced Labor
18 USC 2111	Robbery/burglary - Special jurisdiction
18 USC 2119	Carjacking
18 USC 2312	Transportation of stolen vehicles
18 USC 2342a	Knowingly transport/possess/sell/purchase contraband tobacco products
18 USC 3295	Arson Offenses

21 USC 841	Drug Abuse Prevention & Control-Prohibited acts A
21 USC 841a1	Manufacture, distribute, dispense, possess a controlled substance
21 USC 841a1b1Avi	Distribute\possess w\intent to distribute 400 grams\more of fentanyl
21 USC 841a2	Create, distribute, dispense, possess a counterfeit substance
21 USC 841b1Aviii	50 grams or more mixture/substance detectable amount methamphetamine
21 USC 841b1Bvii	100 kg/more of mixture contain marijuana or 100/more marijuana plants
21 USC 844	Penalty for simple possession
21 USC 844a	Knowing/intentionally possess mixture\substance containing marijuana
21 USC 846	Attempt and conspiracy
26 USC 5861d	Receive/possess firearm not register in National Firearm Registration
30S:30-6-1D2	Knowingly cause/permit child to be tortured/cruelly confined/punish
36R:2.31a3	Vandalism - destroy/injure/deface/damage property or real property

Financial Crimes/Public Corruption/Fraud

18 USC 641	Public money, property or records
18 USC 661	Embezzlement/theft in special jurisdictions
18 USC 1001	Fraud/false statements or entries generally
18 USC 1031	Making fraud against the United States
18 USC 1038	False Information and Hoaxes
18 USC 1159	Misrepresentation of Indian produced goods/product
18 USC 1163	Embezzlement and theft from Indian tribal organizations
18 USC 1167	Theft from gaming establishments on Indian lands
18 USC 1167a	Takes/carry away intent to steal money/property value \$1,000 or less
18 USC 1167b	Takes/carry away intent to steal money/property value excess \$1,000
18 USC 1168	Insider Theft of gaming establishments Indian land
18 USC 1343	Fraud by wire, radio, or television
18 USC 1361	Malicious Mischief - Govrnmt property or contracts
18 USC 1519	Destruct, alter, falsify records in fed. investigations and bankruptcy
18 USC 1621	Perjury generally
18 USC 1956	Laundering of monetary instruments
26 USC 7206	Fraud and False statements
31 USC 5324	Structuring transactions to evade reporting require
42 USC 408a5	Misuse of social security benefits
42 USC 1383aa4	Applied/rec'd benefit for knowing/willfully convert benefit other use

Jurisdictional, Procedural, Penalty, or State Statute

12.1S:12.1-22-02	Burglary
13S:13-1201A	Recklessly endangering person risk of imminent death/ physical injury
13S:13-1507	Burglary in the second degree
13S:13-3623	Child or vulnerable adult abuse
01S:265.22	Rape; generally/weapons/punishment/eligibility for furlough, education

16 USC 470	Archeological Resource Protection
16 USC 1167	Contracts, agreements or leases authorized
16 USC 3372a2A	Unlawful import/export/transport fish/wildlife in violation state laws
18 USC 7	Special Maritime/Territorial Jurisdiction of US
18 USC 13b1	Conviction for operating motor vehicle under influence of drug/alcohol
18 USC 844e	Through mail/telephone/telegraph make threat to kill/injure/intimidate
18 USC 1153	Offenses committed within Indian Country
18 USC 5032	Delinquency Proceedings in District Court
18S:18-1401	Burglary
18S:18-4-2013.1.2a	Second Degree Burglary
18S:2232.3	Burglary Second Degree
18S:2610.1	Abuse of or cruelty to minor as felony - Defense to charge
22D:03215	Unauthorized Use of Motor Vehicles
30S:30-16-1	Larceny
30S:30-16D-1-A	Unlawful taking of a vehicle or motor vehicle.
30S:30-6-1D1	Knowingly permit child placed situation endanger child life/health
45S:45-5-628	Criminal Child Endangerment
750S:750.110a2	Home Invasion - 1st Degree
750S:750.136b3	Child Abuse - 2nd Degree
750S:750.136b5	Child Abuse - 3rd Degree
811S:811.540	Fleeing/eluding police officer
97S:97-17-23(1)	Burglary; breaking and entering; home invasion