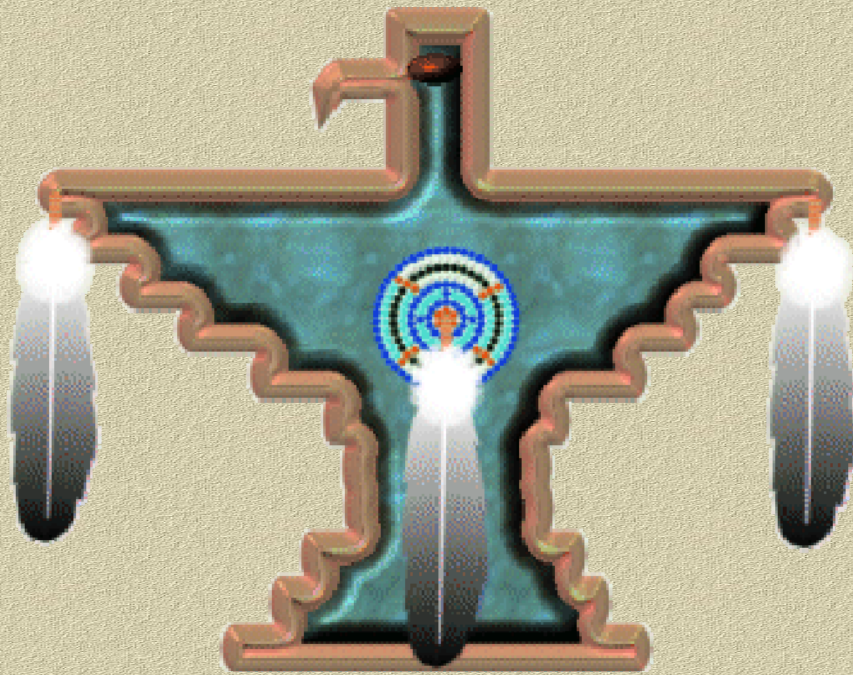


# 2011 ARIZONA INDIAN COUNTRY REPORT



Ann Birmingham Scheel  
Acting United States Attorney  
District of Arizona





## U.S. Department of Justice

United States Attorney  
District of Arizona

*Two Renaissance Square  
40 North Central Avenue, Suite 1200  
Phoenix, Arizona 85004-4408*

*(602) 514-7500*

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March 2012

Dear Tribal Leaders and Public Safety Partners:

On behalf of this Office and its Indian Country team, I am pleased to present you with the annual Indian Country Report for the District of Arizona. This Office has committed to make public safety in Indian Country a priority, and I believe our actions over this past year, as highlighted in this report, demonstrate that commitment. Your involvement and input have helped shape the Operations Plan for Public Safety in Indian Country—the principal policy and procedural document that guides our program, on issues from how we prosecute cases in Indian Country to the way our office communicates and collaborates with Arizona's 22 tribal governments and our colleagues in law enforcement. Our work is performed, and our Plan was written, with a grounding in these principles: respect for tribal sovereignty; regular communication; a focus on responsiveness and more frequent presence in tribal communities; and providing more training and collaboration opportunities for officers and prosecutors.

We believe this report shows solid progress achieved consistent with the above principles. Some of the accomplishments you will read about in the following pages include:

- the training—all conducted at tribal facilities—of nearly 350 additional tribal officers to receive Special Law Enforcement Commissions, which authorize them to participate in the investigation and federal felony prosecution in Indian Country;
- the delivery of additional training—also conducted at tribal police locations—to 300 tribal officers on investigative topics they requested, including crime scene preservation, evidence collection, witness interviewing, report writing and chain of custody;
- an increase in the number of Indian Country cases tried, convictions obtained, and active investigations opened throughout 2011; and
- the establishment of the largest and most comprehensive Tribal Special Assistant United States Attorney program of any District in the United States, which now actively allows tribal prosecutors to learn to charge and prosecute offenses from their tribal communities as felonies in federal court.

I hope you find this report useful, and that you always feel free to contact us when you feel we may be of help. Our goal is continuous improvement in the service we provide to your community.

Sincerely,

A handwritten signature in blue ink, appearing to read "AScheel", is written over a faint, light-colored rectangular stamp or watermark.

ANN BIRMINGHAM SCHEEL  
Acting United States Attorney  
District of Arizona





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# INDIAN COUNTRY MISSION AND GOALS

The Mission of the United States Attorney’s Office for the District of Arizona continues to focus on strengthening the communities we serve through effective advocacy, coordinating law enforcement, and the successful prosecutions of those who violate the law. To fulfill this mission, we seek to represent the United States effectively in criminal and civil cases and advocate for the rights of victims at all phases of the criminal justice process. We work to improve these efforts through our outreach to members of the communities we serve and the public safety partners we work with daily.

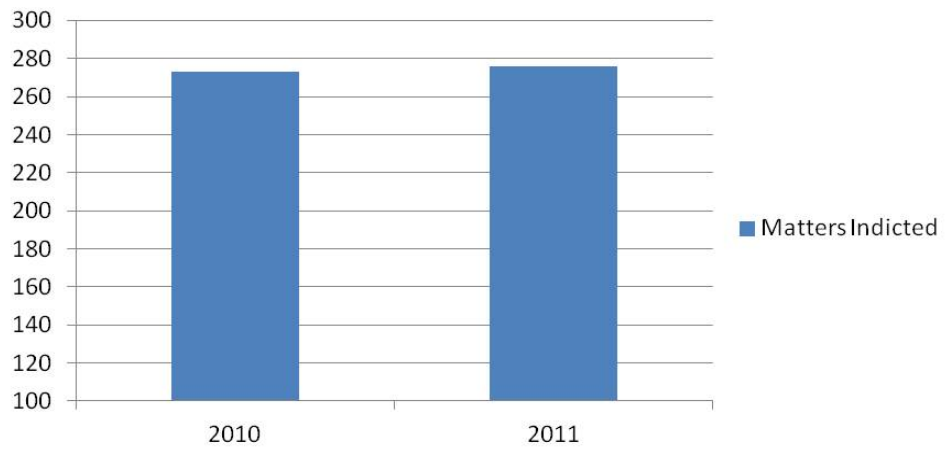
As part of our mission, we continue to seek input from tribal leaders and public safety partners in Indian Country. In 2010 we held our first USAO consultation with you to seek your candid observations and recommendations. With feedback from this session, we developed an Operations Plan which, based on your input, emphasized greater communication with tribal authorities on the federal process. Part of that Plan was a requirement that our AUSAs communicate their declination decisions to tribal prosecutors at the same time we communicate them to the investigating agency. The original Plan also invited tribal prosecutors to review our case materials and encouraged federal investigators to make their materials available to tribal prosecutors so that they can make independent and informed decisions about commencing tribal prosecutions.

In June 2011 we held our second annual consultation with tribal leaders and public safety partners to seek input on the Plan and the USAO’s performance under it to that point, and we revised the Operations Plan to incorporate the ongoing input, which emphasized a desire for more collaborative work between our office and tribal law enforcement personnel. In response to that desire, in 2011 the USAO rolled out its plan for certifying tribal prosecutors as Special Assistant United States Attorneys (“SAUSAs”) to commence federal prosecution of some domestic violence, child abuse, drug trafficking and bootlegging offenses with guidance and support from prosecutors in our office. The program already has 13 tribal SAUSAs – 10 of whom are trained and receiving federal case assignments, and the remaining three are set to train in late Summer – from eight different tribal communities, and we expect more in the future. The Tribal SAUSA Program is further detailed in the Outreach Section.

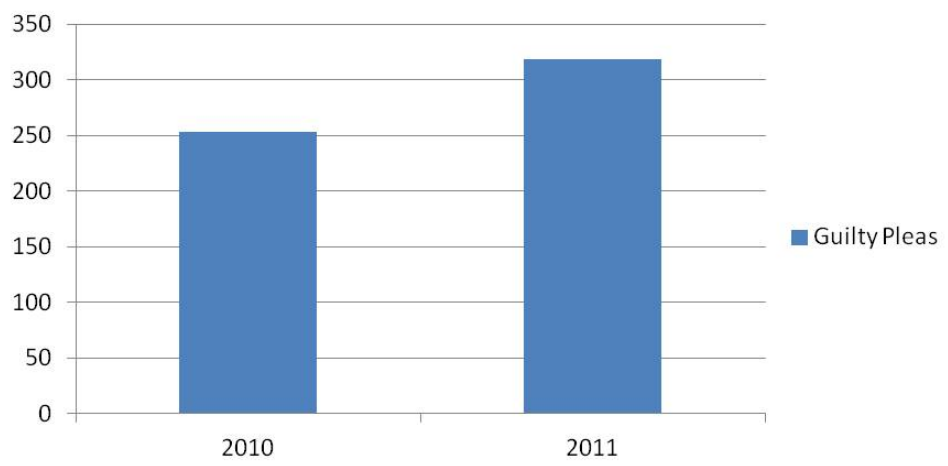
We have begun planning our 2012 tribal leadership and public safety consultation for the third week in June, and we look forward to what it yields—we believe the program changes and additions caused by your input in these first two consultations have greatly improved our service to tribal communities. This year, we will seek your input specifically on how to better communicate with victims of violent crime about the critical role they play in public safety, and the need for their full participation in the process if they and other future victims are to have the best chance at being protected from offenders continuing to prey upon their communities.

# CHARGING DATA

## Indian Country Matters Indicted – District of Arizona



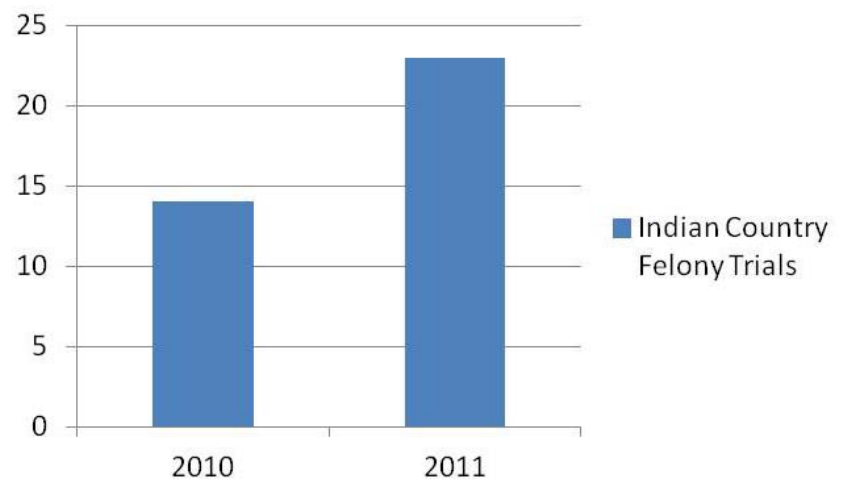
## Guilty Pleas in Indian Country Matters – District of Arizona



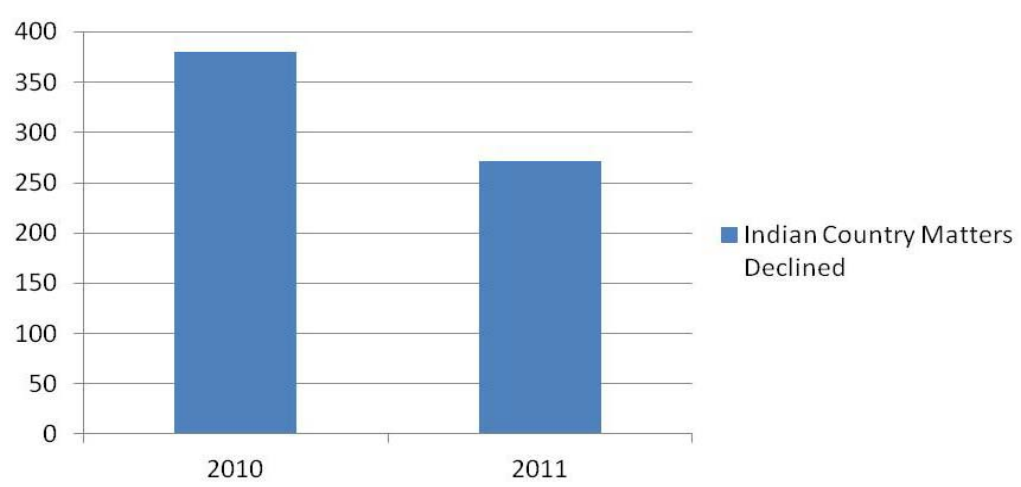


# CHARGING DATA

## Felony Trials in Indian Country Matters – District of Arizona

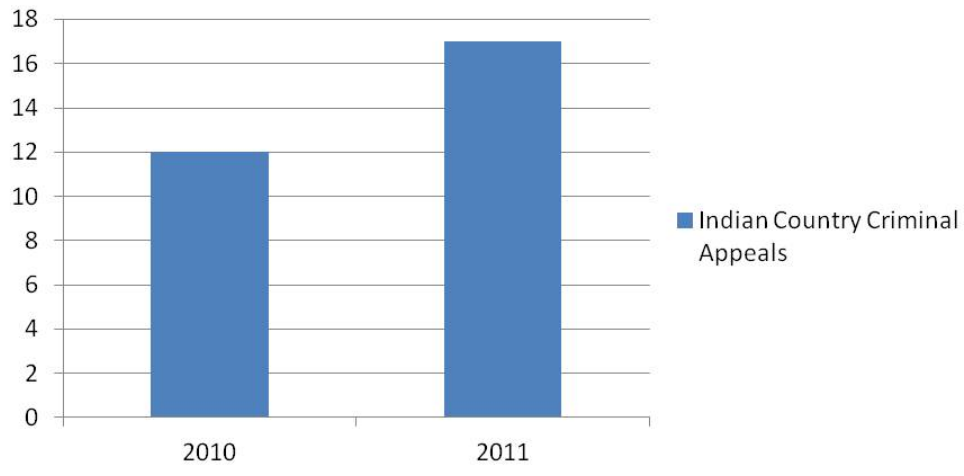


## Declinations of Indian Country Matters – District of Arizona



# CHARGING DATA

## Criminal Appeals of Indian Country Matters – District of Arizona





## SIGNIFICANT CASES BY REGION

The cases described in this section are a sample of the violent crime and other Indian Country matters prosecuted by the USAO. These matters are referred to the USAO from tribal and federal law enforcement agencies and are subject to federal jurisdiction pursuant to the Major Crimes Act (18 U.S.C. § 1153), the Indian Country Crimes Act (18 U.S.C. § 1152), and the Assimilative Crimes Act (18 U.S.C. § 13). Federal courts utilize the United States Sentencing Guidelines, which are advisory only, and consider aggravating and mitigating factors as well as the defendant's criminal history to determine an appropriate sentence. Charges below include Murder, Manslaughter, Assault, Sexual Assault and/or Abuse, Kidnapping, Firearms Offenses, Thefts or Embezzlement from Tribal Organizations and Arson.

### Northern Region

(Fort Mojave Tribe, Havasupai Tribe, Hopi Tribe, Hualapai Tribe, Kaibab-Paiute Tribe, Navajo Nation, San Juan Southern Paiute Tribe, Tonto Apache Tribe, Yavapai Apache Nation, and Yavapai Prescott Tribe)

***United States v. Patrick Moone***

***21 years***

Assault with a Deadly Weapon and Use of a Firearm in Crime of Violence

**Patrick Moone** was indicted on March of 2010 for burglary in the first degree, assault with a dangerous weapon, use of a firearm during a crime of violence, kidnapping, assault with a dangerous weapon, and forfeiture allegation. In one night, Moone conducted two violent home invasions on the Navajo Reservation. Moone used a pistol to help force his way into a home where he threatened a grandmother and pistol whipped a boy. He then took the boy at gunpoint to a neighbor's house. Moone fired his weapon and threatened the neighbors. In September of 2010, Moone pleaded guilty to assault with a dangerous weapon, use of a firearm during a crime of violence, and assault with a dangerous weapon. He was sentenced to 21 years in prison on January 24, 2011, for the crimes. The investigation in this case was handled by the Navajo Nation Department of Public safety and the Federal Bureau of Investigation.

***United States v. Jercelo Evan "Slim" Jim***

***4 years, 3 months***

Armed Robbery

**Jercelo Evan Jim** was indicted On August 3, 2010, for armed robbery, conspiracy and brandishing a weapon during a crime of violence. On the Navajo Nation, Jim and two accomplices robbed the Round Rock Trading Posts armed with a rifle. The defendants stole merchandise and cash. Jim pleaded guilty to armed robbery on May 23, 2011. He received a four year and three month sentence on August 2, 2011. Navajo Nation Department of Public safety and the Federal Bureau of Investigation conducted the investigation that led to the sentencing in this case.



## SIGNIFICANT CASES BY REGION

*United States v. Tony Crooke & Robert Hastings, Jr.*  
Aggravated Assault

*41 months & 35 months*

Two members of the Havasupai Indian Tribe, **Tony Crooke**, 43, and **Robert Hastings Jr.**, 23, were charged with assault with a dangerous weapon on February 9, 2011. In the early morning of December 20, 2010, both defendants along with a third co-defendant, Victor Grounds, broke into a home with three victims inside. The defendants punched one victim in the face, stabbed another in the side, and threatened the third. The two injured victims were flown to a Flagstaff hospital for medical treatment. On August 23, 2011, Crooke pleaded guilty to assault with a dangerous weapon and Hastings pleaded guilty to assault resulting in serious bodily injury. The district court sentenced Crooke to 41 months and Hastings to 35 months imprisonment. The investigation in this case was conducted by the Federal Bureau of Investigation and the Bureau of Indian Affairs.

*United States v. Derek Chee*  
Second Degree Murder

*15 years*

On November 24, 2009, **Derek Chee**, 24, was charged with assault with a dangerous weapon, assault resulting in serious bodily injury, and second degree murder. In October of 2009, Chee was drinking with two males in Blue Gap, Arizona, on the Navajo Indian Reservation. The defendant became upset at one of the males and struck him with a blunt object. Chee continued to strike the victim in the head repeatedly. As a result, the victim died. Chee pleaded guilty to Second Degree Murder on October 24, 2010. The defendant was sentenced on February 15, 2011 to 15 years imprisonment followed by five years of supervised release. The investigation in this matter was conducted by the Federal Bureau of Investigation.

*United States v. Vincent Honahni*  
Sexual Abuse of a Minor

*11 years, 4 months*

On January 26, 2010, **Vincent Honahni**, 29, was charged with aggravated sexual abuse, sexual abuse of a minor, and abusive sexual contact. The defendant had sexually abused a minor on the Hopi Indian Reservation in July of 2007. Honahni pleaded guilty to sexually abusing a minor on October 18, 2010. He was sentenced on February 14, 2011 to 11 years and four months in prison followed by lifetime supervised release. The investigation in this case was conducted by the Federal Bureau of Investigation.

*United States v. Kevin James Belone*  
Voluntary Manslaughter

*10 years*

In November 2009, **Kevin James Belone**, 20, a member of the Navajo Nation, was indicted with assault with a dangerous weapon, and assault resulting in serious bodily injury. Belone had gotten into a fight while drunk outside of his home in Fort Defiance, Arizona, on October 15, 2009. At one point during the altercation, the defendant went inside his home and retrieved two knives. He then used the knives to stab his victim several times, causing fatal injuries. The defendant pleaded guilty to voluntary manslaughter in June of 2010. Belone was



# SIGNIFICANT CASES BY REGION

sentenced on April 26, 2011 to ten years imprisonment. The investigation in this case was conducted by the Federal Bureau of Investigation, Navajo Division of Public Safety Department of Criminal Investigations, and the Window Rock Police Department.

## **Southern Region** (Cocopah Tribe, Pascua Yaqui Tribe, Quechan Tribe, and Tohono O’odham Nation)

***United States v. Eric Juan Chavez*** **9 years**  
Involuntary Manslaughter & Child Abuse

In May 2011 **Eric Juan Chavez** was convicted of abusing and causing fatal injuries to his 3-year-old daughter. Chavez brought his daughter to Sells Indian Health Service Hospital, telling physicians that the victim had hurt herself from falling off a toy truck that she had been playing with earlier. The victim later died due to brain hemorrhaging after being airlifted to University Medical Center. Chavez was sentenced to nine years imprisonment and three years of supervised release. The investigation in this case was conducted by the Tohono O’odham Police Department and the Federal Bureau of Investigation.

***United States v. Christopher Bryan Garcia*** **40 years**  
Aggravated Sexual Abuse of a Minor

In June 2010, **Christopher Bryan Garcia**, was convicted of two counts of aggravated sexual abuse of a minor. On or about November of 2008, Garcia spent the night at a nearby relative’s home on the Tohono O’odham Nation. During his stay, Garcia sexually assaulted a five-year-old. The medical examination of the victim and the DNA evidence proved the defendant’s guilt. On March 24, 2011, the defendant was sentenced to 40 years imprisonment, followed by a lifetime of supervised release and sex offender registration. The investigation was handled by the Federal Bureau of Investigation, Tohono O’odham Police Department, and the Arizona Department of Public Safety.

***United States v. Juvenile Male*** **3 months**  
Arson

The juvenile defendant was found guilty of causing three fires on the Pascua Yaqui Reservation. An administration building, cultural museum, and community church all were severely damaged in the fire, resulting in a loss of \$500,000. The defendant was sentenced to three months imprisonment, two years of supervised release, and ordered to pay \$500,000 in restitution. The investigation was handled by the Pascua Yaqui Police Department.



## SIGNIFICANT CASES BY REGION

***United States v. Norman Garcia & Pancho Garcia***

***11 years each***

Assault with a Dangerous Weapon & Use of a Firearm During a Crime of Violence

On March 21, 2011, **Norman Garcia** and **Pancho Garcia** each were found guilty of two counts of assault with a dangerous weapon and use of a firearm during a crime of violence by a federal jury. In March 2010, a Pima County Probation Officer and a volunteer intern with the Pima County Juvenile Probation Department went to the home of Norman and Pancho Garcia on the Tohono O’odham Indian Nation with a goal of locating a juvenile in order to conduct a welfare check. After receiving no response at the door, the victims drove off. After the victims’ departure, the defendants got into two separate vehicles and began to follow them. Norman and Pancho Garcia fired a total of three gunshots at the victims and attempted to run them off the road. Both defendants received sentences of 11 years imprisonment. The investigation in this case was conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the Tucson Police Department.

***United States v. Victor Manuel Reza-Ramos***

***Life***

First Degree Murder

On June 14, 2010, **Victor Manuel Reza-Ramos**, a Mexican citizen, was convicted by a federal jury of first degree murder. In March of 2003, Reza-Ramos murdered a member of the Tohono O’odham Nation and a ranch caretaker for Kisto Ranch so that he could steal a pickup truck on the ranch. The defendant used a metal fireplace shovel and six pound rock as his weapons for beating the victim to death. The victim died from sixty different injuries, mainly to the head and neck. DNA evidence tied Reza-Ramos to the inside of the truck and to the interior of the ranch house. After killing the victim, Reza-Ramos dumped the body over the side of an embankment and covered it with rocks. On January 14, 2011, the defendant was sentenced to a term of life imprisonment. The investigation in this case was handled by the Federal Bureau of Investigation and the Tohono O’odham Police Department.

***United States v. Paul Anthony Santos***

***10 years***

Possession of a Firearm During a Crime of Violence  
& Assault with a Dangerous Weapon

In January 2010, **Paul Anthony Santos** was convicted of possession of a firearm during a crime of violence and assault with a dangerous weapon. In November of 2009, on the Tohono O’odham Nation, Santos shot the victim in the leg as the victim was running away from him. The defendant was sentenced to 10 years imprisonment. The investigation was conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives and the Tohono O’odham Police Department.

***United States v. Gerardo Benito “Benny” Ramirez***

***17.5 years***

Second Degree Murder

On March 22, 2011, **Gerardo Benito Ramirez**, pleaded guilty to second degree murder. While at a New Years Eve party on the Pascua Yaqui Reservation, Ramirez fired a shotgun three times into a crowd of partygoers and then fled. One partygoer died from shots fired. Ramirez did



## SIGNIFICANT CASES BY REGION

not know the victim and had originally planned to shoot someone else that day. The defendant was sentenced to 17.5 years followed by a five year supervised release. The investigation in this case was conducted by the Federal Bureau of Investigation and the Pascua Yaqui Police Department.

***United States v. Francis Leonard Delores*** ***35 years***  
Second Degree Murder, Assault with a Dangerous Weapon,  
and Use of a Firearm During a Crime of Violence

On December 23, 2009, **Francis Leonard Delores**, 33, a member of the Tohono O’odham Nation, was indicted for second degree murder, assault with a dangerous weapon, and possession of a firearm in relation to a crime of violence. Delores encountered the two victims, also both members of the Tohono O’odham tribe, while driving a vehicle belonging to one of the victims. The defendant got into a verbal altercation with the victims ended up shooting the owner of the vehicle in the back twice and the other victim once in the chest. The first victim died as a result and the second victim was injured but survived. Delores pleaded guilty to all three charges on February 18, 2011 and was sentenced on August 12, 2011 to 35 years in prison. The investigation in this case was conducted by the Tohono O’odham Police Department and the Federal Bureau of Investigation.

***United States v. Julio Gastelum*** ***8 years, 5 months***  
Assault Resulting in Serious Bodily Injury

A member of the Pascua Yaqui Tribe, **Julio Gastelum**, was indicted on December 30, 2009. Gastelum operated a motor vehicle while intoxicated with a BAC of .162. He drove down Federal Route 15, near Sells, Arizona on the Tohono O’odham Nation and hit a vehicle that had two passengers inside. Driving 30 miles per hour above the speed limit, Gastelum caused serious injury to the victims. The defendant pleaded guilty to two counts of assault resulting in serious bodily injury. He received an eight year, five month term in prison followed by three years of supervised release. The investigation in this matter was conducted by the Tohono O’odham Police Department.

***United States v. Jonathan Garcia*** ***10 months***  
Assault on a Federal Officer

On January 20, 2010, **Jonathan Garcia** was indicted for assault on a federal officer. In June of 2009, a Pascua Yaqui police officer attempted to arrest Garcia for a beer theft. The defendant assaulted the officer by swinging a glass bottle and spitting on the officer. He later pleaded guilty to assault on a federal officer and was sentenced on October 25, 2011 to a ten month prison term followed by three years of supervised release. The investigation in this matter was conducted by the Pascua Yaqui Police Department.



## SIGNIFICANT CASES BY REGION

### Central

(Ak Chin Indian Community, Colorado River Indian Tribes, Fort McDowell Yavapai Nation, Gila River Indian Community, and Salt River Pima-Maricopa Indian Community)

***United States v. Rosie Cruz Leivas***

***57 Months***

Possession with Intent to Distribute Methamphetamine

On February 8, 2011, **Rosie Cruz Leivas**, of Parker, Arizona, and a member of the Colorado River Indian Tribes, was sentenced to 57 months in federal prison. Leivas had pleaded guilty to Possession with Intent to Distribute Methamphetamine. Leivas sold methamphetamine to a confidential informant on three separate dates while she was at work at the tribe’s Farms Office in Poston, Arizona. Over three buys, Leivas sold the informant 43.9 grams of “actual” methamphetamine for \$3,500. “Actual” methamphetamine refers to a high level of purity of the drug. Leivas was the third defendant sentenced as part of an undercover operation lasting more than a year. She was prosecuted with two other members as part of a drug distribution conspiracy. Her co-defendants were sentenced in 2010. The investigation in this case was conducted by the La Paz County Narcotics Task Force, the Colorado River Indian Tribes Police Department, the Bureau of Indian Affairs, and the Drug Enforcement Administration.

***United States v. Augustine Thomas***

***30 years***

Conspiracy to Commit Obstruction of Justice

As an inmate in a federal facility, **Augustine Thomas** was awaiting his sentencing for a murder he committed on the Gila River Indian Community. While awaiting trial, defendant found out the name of a cooperating witness on an aggravated assault case from the Ak-Chin Indian Community. Thomas and co-defendants worked together to retaliate against the witness. The co-conspirators beat the cooperating witness. Thomas was found guilty by a trial jury on February 16, 2011. He was sentenced on May 25, 2011 to 30 years imprisonment . The investigation in this case was conducted by the Federal Bureau of Investigation.

***United States v. James Joe Cruz Jr.***

***10 years***

Discharge of a Firearm During a Crime of Violence

**James Joe Cruz Jr.** was indicted on January 27, 2009, for assault with a dangerous weapon, assault resulting in serious bodily injury, second degree murder, and discharge of a firearm during a crime of violence. On the Salt River Community, Cruz argued with the victim who was under the influence of illicit drugs and alcohol at the time of the incident. When the victim approached Cruz with brass knuckles, Cruz shot and killed the victim. On December 15, 2010, Cruz pleaded guilty to one count of discharge of a firearm during a crime of violence. As





## SIGNIFICANT CASES BY REGION

a result, on April 25, 2011, the defendant was sentenced to ten years imprisonment. The investigation in this case was conducted by the Salt River Pima Maricopa Indian Community Police Department.

***United States v. Willard Pratt*** **7 years**  
Conspiracy with Intent to Distribute Cocaine

On July 21, 2009, **Willard Pratt** was indicted for possession with intent to distribute cocaine base and aid and abet, possession of marijuana, and forfeiture allegations for his criminal activity which occurred on the Gila River Indian Community. This matter involved an undercover operation that took place over a two year period. A co-defendant acting as a broker introduced the undercover buyer to Pratt. Pratt was using the co-defendant to sell crack cocaine to buyers in five drug deals. The defendant pleaded guilty on March 30, 2011. Pratt was sentenced to seven years on June 20, 2011 for conspiracy to possess with intent to distribute cocaine. The investigation in this case was handled by the Gila River Indian Community Police Department and the Bureau of Indian Affairs.

***United States v. Lansford Elmo Burns*** **6 years**  
Assault Resulting in Serious Bodily Injury

On January 25, 2011, **Lansford Elmo Burns** was indicted for assault with a dangerous weapon, brandishing a firearm during a crime of violence, assault resulting in serious bodily injury, and felon in possession of a firearm. During a domestic dispute on the Salt River Indian Community, Burns hit his victim using the butt of a shotgun in the head. The victim suffered a nasal bone fracture and a facial laceration. In July of 2011, he pleaded guilty to assault resulting in serious bodily injury. On October 31, 2011, the defendant was sentenced to a term of six years in prison. The investigation in this matter was conducted by the Salt River Pima Maricopa Indian Community Police Department.

***United States v. Rojelio Carrillo*** **30 years**  
Second Degree Murder and Use of a Firearm in Crime of Violence

July 19, 2010, **Rojelio Carrillo** fatally shot a woman in the head as she sat in her vehicle on the Gila River Indian Community. The defendant used a 12 gauge shotgun to open fire on the victim. After shooting the victim, he removed the body from the vehicle and drove off, but not before running over her. On February 1, 2011, Carrillo pleaded guilty to second degree murder and use of a firearm in crime of violence. As a result, the defendant was sentenced to 30 years imprisonment on May 31, 2011. The investigating agencies for the investigation in this matter included the Gila River Indian Community Police Department and the Federal Bureau of Investigation.



## SIGNIFICANT CASES BY REGION

*United States v. Louis Clare Burnette*  
Accessory After the Fact

*15 years*

In November 2010, **Louis Clare Burnette** was indicted for being an accessory to murder. Burnette was involved in the above referenced matter regarding Rojelio Carrillo. Burnette's role in the case was that he acted on behalf of Carrillo by burying the weapon Carrillo used in an effort to cover up the murder. He pleaded guilty and received a 15 year prison sentence on August 22, 2011. The investigating agencies in this case included the Gila River Indian Community Police Department and the Federal Bureau of Investigation.

### Eastern Region

(San Carlos Apache Tribe, White Mountain Apache Tribe,  
and Pueblo of Zuni)

*United States v. Lloyd Notah Jr. & Franklin Joseph Jackson Sr.*  
Embezzlement

*Probation*  
*\$113,000 Restitution*

**Lloyd Notah Jr.** and **Franklin Joseph Jackson Sr.** pleaded guilty to embezzlement from a tribal organization. During their membership on the Board of Directors for the Gila River Indian Community Lone Butte Industrial Corporation, Notah and Jackson embezzled \$75,600 and \$38,000, respectively, from the organization. Notah and Jackson did so by fraudulently submitting expenses such as meals, mileage, or meetings, when actually these occurrences had not taken place or were not work related. The investigation in this case was handled by the Federal Bureau of Investigation and the Gila River Indian Community Police Department.

*United States v. Marty Randall*  
Arson

*3 years*

**Marty Randall** was indicted for arson on March 30, 2010. After a family dispute in San Carlos, Randall found an old pair of pants in the trash and used them to ignite a fire. The defendant threw the ignited pants into a vehicle parked adjacent to his victim's residence. After admitting to investigating officers that he knew the fire could have resulted in serious injury or death of the victim, Randall also explained that his primary intention was for both the vehicle and the victim's residence to burn. No injury resulted from this act of violence. He pleaded guilty in October of 2010. On February 25, 2011, the defendant was sentenced to three years imprisonment. The investigation in this case was handled by the Bureau of Indian Affairs.



## SIGNIFICANT CASES BY REGION

### *United States v. Casey Foster*

*19 years, 7 months*

Abusive Sexual Contact with a Minor

On February 10, 2010, **Casey Foster** was indicted for attempted aggravated sexual abuse, aggravated sexual abuse, and sexual abuse of a minor. During a three year time period, Casey, a member of the White Mountain Apache Indian Tribe, sexually abused a child under the age of 12. He also sexually abused the victim's 13-year-old friend. Casey pleaded guilty to abusive sexual contact with a minor on January 12, 2011. He was sentenced on July 13, 2011 to 19 years and seven months imprisonment, followed by a lifetime of supervised release. The investigation in this matter was handled by the Federal Bureau of Investigation.

### *United States v. Jas Lucas Colelay*

*15 years, 10 months*

Abusive Sexual Contact

On April 13, 2010, **Jas Lucas Colelay** was indicted on three counts of aggravated sexual abuse of a minor and one count of abusive sexual contact with a minor. Over the span of one year, Colelay had been sexually abusing a four-year-old victim on the White Mountain Apache Indian Reservation. The victim contracted a sexually transmitted disease due to the abuse. Colelay pleaded guilty on February 15, 2011, to abusive sexual contact. On July 13, 2011, he received a sentence of 15 years and 10 months along with a lifetime of supervised release. The investigation in this case was conducted by the Federal Bureau of Investigation.

### *United States v. Adrienne Lee Shipp*

*108 Months*

Involuntary Manslaughter & Assault Resulting in Serious Bodily Injury

In June of 2011, **Adrienne Lee Shipp**, 19, was indicted for second degree murder and assault resulting in serious injury. According to the indictment, on May 5, 2011, Shipp ran over two children while intoxicated on the Fort Apache Indian Reservation. Due to the defendant's actions, one child died and the other was seriously injured. On January 12, 2012, Shipp was found guilty of involuntary manslaughter and assault resulting in serious bodily injury. On April 2, 2012, the judge issued consecutive sentences: 60 months for involuntary manslaughter to be followed by 48 months for assault resulting in serious bodily injury. The investigation preceding the indictment was conducted by the Bureau of Indian Affairs and the White Mountain Apache Tribal Police Department.

### *United States v. Darren Quesada*

*Life*

Aggravated Sexual Abuse of a Minor and Abusive Sexual Contact with a Minor

On April 2, 2012, **Darren Quesada**, 44, of Whiteriver, Ariz., was sentenced to life imprisonment. On December 23, 2011, a federal jury found Quesada guilty of aggravated sexual abuse of a minor and abusive sexual contact with a minor arising from his conduct with two minor children in 2009 and 2010. They also made special findings that Quesada was previously convicted of a federal sex offense involving a minor and that he was required to register as a sex offender. He entered into a plea agreement for that offense and was sentenced in May 2000. The investigation in this case was conducted by the Federal Bureau of Investigation.



# **OUTREACH, TRAINING, AND MULTI-DISCIPLINARY TEAMS**

## **Face-to-Face Interaction**

During 2011, the United States Attorney, the Tribal Liaison, or both, have traveled to Indian Country to meet with the elected or appointed leadership of the Colorado River Indian Tribes, the Pascua Yaqui Tribe, the Gila River Indian Community, the Hopi Tribe, the Hualapai Tribe, the Navajo Nation, the Salt River Pima-Maricopa Indian Community, the San Carlos Apache Tribe, the Tohono O’odham Nation, the White Mountain Apache Tribe, the Cocopah Tribe, Zuni Pueblo, the Fort McDowell Yavapai Nation and the Yavapai-Prescott tribe. The Tribal Liaison presented a program to all tribal councils, law and order committees thereof, and tribal courts that requested it—approximately two thirds of the above list—on Tribal Sovereignty and the Tribal Law and Order Act, and how those tribal governments could best take advantage of its provisions. In 2012, the continuing leadership of the USAO will maintain these face-to-face contacts and will visit Arizona’s other tribal communities to hear from their leadership and from community members about public safety concerns.

## **Training**

### **Special Law Enforcement Commission (SLEC) Certification Trainings**

In 2011, the U.S. Attorney’s Office, along with the BIA Office of Law Enforcement Services, conducted seven Special Law Enforcement Commission (SLEC) Certification trainings. The three-day trainings were attended by over 320 local and tribal law enforcement officers from the San Carlos Apache Tribe, Ak-Chin Indian Community, Fort McDowell Yavapai Nation, Gila River Indian Community, Colorado River Indian Tribes, Quechan Tribe, Pascua Yaqui Tribe, Tohono O’odham Nation, Hopland Tribe (California), Salt River Pima-Maricopa Indian Community, Yavapai Prescott Tribe, Yavapai-Apache Nation, Hualapai Tribe, Navajo Nation Criminal Investigations Unit, Navajo Nation Police Department, Southern Ute Tribe, Ute Mountain Tribe, Ely Shoshone Tribe (Nevada), Pueblo of Zuni, Ramah Police Department (Navajo Nation, New Mexico), Goshute Tribe (Utah) and Arizona Department of Public Safety.

The purpose of the training was to provide for efficient, effective and cooperative law enforcement efforts in Indian Country in Arizona. The SLEC commission empowers tribal police to conduct investigations of and make arrests on federal charges in Indian Country, including misdemeanor and felony violations of federal law. The SLEC commission not only increases the available trained force to bring federal charges, it also provides protection to tribal officers by classifying them as “federal officials” for purposes of the Assault on a Federal Officer statutes, should they be attacked or interfered with in the course of their law enforcement duties. The course includes intensive segments on Indian Country Jurisdiction, Indian Country Crimes (the Major Crimes Act), Federal Court Procedure, Civil Liability, Child Abuse and Child



## **OUTREACH, TRAINING, AND MULTIDISCIPLINARY TEAMS**

Abuse reporting, Central Violations Bureau, Juvenile Process and Procedure, Drug and Firearm Laws and investigation of gang activity, among other areas. Below is a breakdown of the training provided:

- **May 2011** – 41 officers trained at the Tuba City BIA Western Regional Office. The participating agencies were Navajo Nation Criminal Investigators, Navajo Nation DPS Police Department; Ramah Navajo Police Department (New Mexico), Southern Ute Police Department (Utah), and Ute Mountain Police Department (Utah).
- **May 2011** – 110 officers trained at the Gila River Indian Community's Rawhide facility. The participating agencies were police departments from the Gila River Indian Community, Pascua Yaqui Tribe, Tohono O'odham Nation, Ak Chin Indian Community, Hopland Tribe (California), Arizona DPS, Fort McDowell Yavapai Nation, Navajo County Sheriff's Office and City of Chandler.
- **August 2011** – 55 officers trained at the Tuba City BIA Western Regional Office. The participating agencies were police departments from the Navajo Nation and Ramah Navajo (New Mexico).
- **August 2011** – 12 officers trained at the San Carlos Apache Tribe's Apache Gold Casino. The participating agencies were police departments from the San Carlos Apache Tribe and Ely Shoshone Tribe (Nevada).
- **September 2011** – 35 officers trained at the Tohono O'odham Nation's Cultural Museum. The participating agencies were police departments from the Tohono O'odham Nation and the Pascua Yaqui Tribe.
- **September 2011** – 41 officers trained at Salt River Pima-Maricopa Indian Community offices. The participating agencies were police departments from the Gila River Indian Community, the Ak Chin Indian Community, Salt River Pima-Maricopa Indian Community and the Arizona Department of Public Safety.
- **December 2011** – 32 officers were trained at the Phoenix USAO. The participating agencies were police departments from the Salt River Pima-Maricopa Indian Community, Gila River Indian Community, Fort McDowell Yavapai Nation, and the Ak Chin Indian Community, the Colorado River Indian Tribes, The Hualapai Tribe, the Yavapai Apache Nation and the Yavapai-Prescott Tribe.

### **Customized/Requested Tribal Police Training**

Indian Country AUSAs and the Tribal Liaison also have conducted training throughout Indian Country addressing whatever aspects of Indian Country investigations are requested by tribal police chiefs and supervisors. Trainings have been for as many as 300 at a time – the Indian Country Gang Conference in Laughlin, Nevada – to as few as 15 – Gila River Indian Community new officer training on search and seizure. These trainings have included general investigative techniques, collecting evidence, and specific training for homicide and sexual assault investigations. In addition, AUSAs have conducted training for Indian Health Service



## **OUTREACH, TRAINING, AND MULTIDISCIPLINARY TEAMS**

nursing staff and social workers, Colorado River Indian Tribes' Head Start Program, White Mountain Apache Tribe Social Services Agency, Fort Defiance Sexual Assault Nurse Examiners (SANE), and child abuse investigators for the Hualapai Tribe. In the aggregate, Violent Crime AUSAs and the Tribal Liaison delivered over 30 training sessions in 2011 to our public safety partners in Indian Country, comprising over 200 hours of training and reaching over 1225 participants.

### **Tribal SAUSA Program**

Pursuant to our Operation Plan, in 2011 the USAO solicited the participation of all interested tribal governments in the Tribal Special Assistant United States Attorney (SAUSA) Program. It entered into Memoranda of Agreement with eight tribal governments – the Hopi Tribe, the Colorado River Indian Tribes, the White Mountain Apache Tribe, the Fort McDowell Yavapai Nation, the Salt River Pima-Maricopa Indian Community, the Gila River Indian Community, the Pascua Yaqui Tribe and the Tohono O'odham Nation – for the appointment and training of one or more tribal prosecutor(s) from each participating tribe as a SAUSA(s). In October 2011, the first six Tribal SAUSAs cleared their background checks and attended a week-long training program in the USAO where they were trained on all aspects of federal jurisdiction, criminal law, federal procedure, and practice expectations in federal court. They then shadowed experienced Indian Country AUSAs to grand jury and court proceedings, and now have been assigned co-counsel AUSAs and are actively receiving federal cases to prosecute. The next four tribal SAUSAs have since cleared security background checks and attended the USAO's SAUSA training during the week of March 26-30, 2012. Three more Tribal SAUSAs are in the application and clearing stages. All of these SAUSAs will focus on prosecuting offense types that their tribal governments have identified to us as community priorities—either domestic violence, child abuse, drug trafficking, sex assaults or bootlegging. We anticipate adding to the eight participating tribes and the 10 current SAUSAs in 2012 and beyond.

### **Multidisciplinary Teams (MDTs)**

Multidisciplinary Teams or “MDTs” are one of our best vehicles for current communication on case status and collaboration among tribal and federal officials with public safety responsibility. Within the USAO, the AUSAs and Victim Witness Advocates who work on Indian Country cases devote substantial time traveling to and participating in MDT meetings to share information with their public safety partners and work together to ensure that all investigative steps are completed.



## **OUTREACH, TRAINING, AND MULTIDISCIPLINARY TEAMS**

### **Phoenix**

Collectively, AUSAs and Victim Witness Advocates from the Phoenix USAO spent over 60 workdays traveling to and attending 47 MDT meetings over the last year. A breakout of which AUSAs and Victim Advocates are assigned to each existing MDT is on the next page.

### **Tucson**

In the Tucson USAO, monthly case review and separate MDT meetings regarding child physical abuse/neglect and sexual abuse cases are held for both the Pascua Yaqui Tribe and the Tohono O'odham Nation. AUSAs Raquel Arellano, Ann DeMarais, Jesse Figueroa, Nicole Savel, Micah Schmit, Rui Wang, and Angela Woolridge and Victim Witness Advocates Dori Arter, Mary-Ann Estrada, and Tim Jefferson serve on the MDTs for the Pascua Yaqui Tribe and the Tohono O'odham Nation. Additional MDT contact information can be found on the next page.

### **Project Safe Neighborhood Pilot Project - Tohono O'odham Nation**

Project Safe Neighborhood (PSN) is a project aimed at targeting resources toward the reduction of gun and gang violence in communities. A PSN Pilot Project is currently underway on the Tohono O'odham Nation and is yielding steady and significant results. The PSN Pilot Project Team meets monthly in Sells and operates its pending case review similarly to MDT meetings, but with a focus on gun and gang matters rather than child and sex abuse.



# MULTIDISCIPLINARY TEAMS

AUSA	MDT	Contact Person	VW
T. Simon	Phoenix Area	Dr. Teramoto, IHS (602) 364-5175, Fax (602) 364-5025 and Warren Youngman, BIA Law Enforcement Office (602) 379-6958, Warren.youngman@bia.gov	Shawn Cox
D. Greer T. Van Buskirk	Chinle	Clara Tah-Nunn, Navajo Nation DSW, Family Services, P. O. Box 1000, Chinle, AZ 86503, (928) 674-2050/2029, Fax (928) 674-5740	Eydie Robertson Mary Williams
S. Sexton	Cocopah	John Agee, Department of Social Services, County 15 & Ave. G., Somerton, AZ 85350, (928) 627-3729, Fax (928) 627-3116, jagee@cocopah.com	Krista Armenta
J. Green	Colorado River	Janice Patch, CRIT Behavioral Health Services, Rt. 1, Box 19, Parker, AZ 85344, (928) 737-2685, Fax (928) 737-2697	Krista Armenta
C. Woo	Dilcon, Leupp	Dilcon Family Service, HCR 63, Box 6089, Winslow, AZ 86047, (928) 657-8065, Fax (928) 657-8041	Krista Armenta
A. Bachus	Ft. McDowell	Jimmy Esquirell, Fort McDowell Yavapai Nation Tribal CPS, P. O. Box 17779, Fountain Hills, AZ 85269, (480) 789-7820, Fax (480) 837-4809, Cell (480) 201-7061, jesquirell@ftmcdowell.org	Marlene Beall
D. Greer T. Van Buskirk	Ft. Defiance	Sharon Lee Begay, Navajo DSW, P. O. Box 950, Ft. Defiance, AZ 86504, (928) 729-4013, Fax (928) 729-4069	Eydie Robertson Mary Williams
J. Green	Ft. Mohave	Ft. Mohave Social Services Dept., Needles, CA 92363, (928) 346-1550, Fax (928) 346-1552	Krista Armenta
D. Greer T. Van Buskirk	Ganado	Maria Jim, Navajo DSW, P. O. Box 210, Ganado, AZ 86505, (928) 775-5931, Fax (928) 775-5939	Eydie Robertson Mary Williams
H. Belt	Gila River	Tila Garcia, Gila River Indian Community Law Office, P. O. Box 97, Sacaton, AZ 85247, (520) 562-5727, Fax (520) 522-1070, tila.garcia@gric.nsn.us	Marlene Beall
S. Sexton	Ak-Chin	Sylvia Soliz, Ak-Chin Police Department, 47314 W. Farrell Rd., Maricopa, AZ 85139, (520) 568-1272, Fax (520) 568-1201, ssoliz@ak-chin.nsn.us	Marlene Beall
C. Bibles	Havasupai	Angie Watahomogie, Tribal Social Services, P. O. Box 10, Supai, AZ 86435, (928) 448-2142, Fax (928) 448-2143	Krista Armenta
M. Karlen	Hopi	Elizabeth Poseyesva, Hopi Guidance Center, P. O. Box 68, Second Mesa, AZ 86043, (928) 737-1811, Fax (928) 737-2697	Krista Armenta Lee Mills
C. Reid-Moore	Hualapai	Carrie Imus, Social Services, P. O. Box 480, Peach Springs, AZ 86434, (928)769-2269, Fax (928) 769-2659	Krista Armenta
C. Bibles	Kaibab-Paiute	Matt Lyons, Director of Human Services, Kaibab Paiute Tribe, , H.C. 65, Box 2, Pipe Spring, AZ 86022, (928) 643-8320, Fax (928) 643-7260	Lee Mills
N. Savel	Pascua Yaqui	Canada Valenzuela, Program Manager of Victim Services, Pascua Yaqui Police, 4730 W. Calle Tetakusim, Tucson, AZ 85757, (520) 879-5769, Fax (520) 879-8287, Canada.valenzuela@pascua yaqui-nsn.gov	Mary-Anne Estrada
T. Simon	Salt River	Sheri Freemont, Salt River Prosecutor's Office, 10005 E. Osborn Road, Scottsdale, AZ 85256, (480) 362-5400, Fax (480) 362-5420, sheri.freemont@srpmic-nsn.gov	Marlene Beall
T. Simon H. Belt	San Carlos	Zahra J. Goseyun, Tribal Social Services, P. O. Box 0, San Carlos, AZ 85550, (928) 475-2313, Fax (928) 475-2342, zjgoseyun@hotmail.com	Mary Williams
N. Savel	Tohono O'odham	SA Samantha Koval, FBI, 285 N. Commerce Park Loop, Tucson, AZ 85701, (520) 623-4306; Det. Wenona May, Tohono O'odham Police Dept, P. O. Box 189, Sells, AZ 85634, (520) 383-6432	Dori Arter
R. Dokken	Tuba City Kayenta	Orlinda Douglas, Navajo Nation Social Services, P. O. Box 280, Tuba City, AZ 86045, (928) 283-3266, Fax (928) 283-3276	Krista Armenta
D. Sampson	White Mountain Apache	Janet Sanchez, IHS Social Worker, IHS Hospital, P. O. Box 860, Whiteriver, AZ 85941, (928) 338-4911 ext. 3670, Fax (928) 338-3522, janet.sanchez@ihs.gov	Mary Williams
P. Schneider	Yavapai-Apache	Pauline Jackson, Social Services, 2400 W. Datsi St., Camp Verde, AZ 86322, (928) 649-6929, Fax (928) 567-6832, pj@yantribe.org	Mary Williams Lee Mills
P. Stearns	Yavapai Prescott	John Allen, Social Services, 530 E. Merritt, Prescott, AZ 86301, (928) 778-7350, jmallen@ypit.com	Lee Mills





# VICTIMS RIGHTS AND ADVOCACY

This Office will ensure that crime victims are treated with dignity, respect, and compassion and are afforded all rights to which they are entitled under federal law. The Crime Victims' Rights Act (CVRA) of 2004 was enacted to enhance the rights of federal crime victims and provide them with recourse should their rights be violated in the course of the federal investigation and prosecution of their case. We have fully implemented the CVRA by ensuring that all staff are properly trained—and retrained on an annual basis—and by requiring that all law enforcement agencies that refer cases for federal prosecution fully comply with the CVRA.

We encourage you as a tribal leader and public safety partner to please share the following guidance with any victims of federal crimes you contact. Pursuant to the CVRA, they are entitled to the following rights:

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

18 U.S.C. § 3771.

We rely on victims and other witnesses to report crime and to participate fully in the prosecution of federal offenses so that victims, their families, and their communities can see justice served. Without cooperation from crime victims and other witnesses, we cannot bring offenders to justice and communities will be less safe.



## APPELLATE MATTERS IMPACTING INDIAN COUNTRY

Assistant U.S. Attorneys in our Appellate Division handle appeals from Arizona District Court decisions made to the Ninth Circuit Court of Appeals. During 2011, the USAO was involved in 13 Indian Country appeals, including one en banc matter that had carried over from a prior year. The United States' position prevailed in all Indian Country matters decided during 2011 except one.

Two such pending matters involve the sentencing authority of the Pascua Yaqui Tribal Court. In recognition of the sovereignty of the Pascua Yaqui Tribe and in support of its judicial system, the USAO joined the Pascua Yaqui Tribe in the appeals described below.

***Miranda v. Anchondo***

C.A. No. 10-15167

***Miranda v. Braatz, et al.***

C.A. No. 10-15308 (Consolidated)  
(Dist Ct. No. CV 09-08065-PCT-PGR)

Appellant Miranda was tried, convicted and sentenced in Pascua Yaqui tribal court for multiple misdemeanor tribal violations of endangerment, threatening and intimidating, aggravated assault and disorderly conduct. She had chased, threatened and intimidated two girls on the Pascua Yaqui reservation with a knife. The tribal court issued consecutive sentences totaling nearly 3 years in custody, Miranda's sentence to be served in a BIA facility because Pascua Yaqui had no appropriate jail facility for her.

Following an unsuccessful appeal in the Pascua Yaqui Court of Appeals, Miranda filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 in federal district court, arguing that her cumulative two-and-a-half year sentence violated the maximum sentence permitted under the Indian Civil Rights Act ("ICRA"), 25 U.S.C. § 1302(7)—which provides that no Indian tribal shall "impose for conviction of any one offense any penalty or punishment greater than imprisonment for a term of one year." The district granted habeas relief, concluding that the ICRA prohibited the tribal court from imposing a sentence totaling more than one year for offenses arising out of the same transaction. It further concluded that Miranda's actions constituted a single criminal transaction, and that the ICRA prohibited any portion of her 910-day sentence above one year. The district court ordered the Pascua Yaqui Tribe to release Miranda by the next day.

The Pascua Yaqui Tribe and Respondent Vincente Anchondo—the BIA official responsible for the facility in which she was incarcerated— appealed the district court's decision to the Ninth Circuit Court of Appeals. In June 2011 the case was argued to a panel of the Ninth Circuit and in August 2011, the appellate court reversed the district court and held that tribes could in fact sentence defendants consecutively for multiple offenses that amount to more than one year in jail. Miranda sought en banc rehearing, but on February 6, 2012, the court denied her petition.



## APPELLATE MATTERS IMPACTING INDIAN COUNTRY

The USAO's involvement in this case was unique in that its prior approach to such challenges to tribal imprisonment was to stand on the sidelines and let the tribes defend their own systems alone. Miranda, however, reflects this Office's current approach of active engagement in advancing the rights of tribal governments to protect their communities to the maximum extent allowed by law. While the Pascua Yaqui Tribe's own counsel were lead appellate counsel in this matter, the USAO was a full and active partner, collaborating on all aspects and filing companion briefs in support of the Tribe's position.

### *United States v. Kenderick Begay*

CA-07-10487

In March 2002, Begay encountered his two victims in their truck on a secluded road on the Navajo Nation. He calmly walked from the victims' truck to his own truck, some 50 yards away, took his rifle from the rack in the cab, walked back to the victims' truck, raised his rifle, and shot seven times into the victims' bodies as they sat in the truck. Both victims died.

This Office charged Begay with First Degree Murder and firearms violations in 2006, and in 2007, tried and convicted him before a federal jury. Begay appealed his conviction for First Degree Murder, arguing among other things that he did not have the time to premeditate on his actions—a necessary element for First Degree Murder. A panel of the Ninth Circuit agreed and in June 2009, reversed his First Degree Murder conviction, leaving in place the firearms conviction.

This Office sought and received from the Department of Justice permission to seek *en banc* review of the panel decision. In January 2011, the Ninth Circuit reversed its panel's earlier conclusion and reinstated Begay's First Degree Murder conviction. The Supreme Court has denied Begay's appeal. From start to finish, the investigation, prosecution and appeal of this matter took nine years. The USAO stayed with the matter the entire time, taking every opportunity to seek the right result and justice for the victims.



## CIVIL MATTERS IMPACTING INDIAN COUNTRY

*United States v. Mark Nicholson, et. al.*

Environmental Law Violators (Navajo Nation -North)

In August 2011, Mark Nicholson, et al., agreed to pay \$80,000 for violating environmental laws set forth and impacting the Navajo Nation in and around Lupton, Arizona. After conducting a series of inspections, the Lupton, Arizona truck stop operated by Nicholson was found to have mishandled and illegally stored hazardous waste. Inspections were conducted by the Navajo Nation Environmental Protection Agency, the Arizona Department of Environmental Quality and the United States Environmental Protection Agency that took place in 2004.



## **TRIBAL LAW AND ORDER ACT OF 2010 - How the U.S. Attorney's Office is Complying**

The USAO for the District of Arizona has been a leader in providing training and advice to tribal agencies on the features of the Tribal Law and Order Act (TLOA). Likewise, we have set as a goal full and rapid compliance. The following details the actions the Office has taken to comply with TLOA on a point-by-point basis.

### **TITLE 1 - FEDERAL ACCOUNTABILITY AND COORDINATION**


**Section 102. Disposition Reports** - this section requires USAOs to coordinate with tribal justice officials on the use of evidence when they decline to prosecute an Indian Country crime federally. *The District of Arizona has met this requirement by adopting policy, as reflected in the attached Operation Plan, that upon declination of an Indian Country case, the AUSA will copy the tribal prosecutor on the written declination letter, will invite the tribal prosecutor to view, discuss and utilize any evidence in the USAO's possession, and will encourage the relevant federal investigative agency to provide access to any evidence in their possession.*

**Section 103. Prosecution of Crimes in Indian Country** - this section encourages USAOs to appoint tribal prosecutors as Special Assistant United States Attorneys to prosecute Indian Country crimes. *The District of Arizona has met this requirement by developing the largest and most comprehensive Tribal SAUSA program in the nation. As set forth in the outreach Section above, we currently have 8 participating tribes and 13 tribal prosecutors in the SAUSA program and expect more in the future. We have a rigorous and lengthy training, supervision and mentoring program for all SAUSAs, and the program has been very well received by its participants.*

### **TITLE III - EMPOWERING TRIBAL JUSTICE SYSTEMS**

**Section 301. Tribal Police Officers** - Section 301(b) requires BIA to provide Special Law Enforcement Commission (SLEC) training to certify tribal officer as federal officers at least biannually. *This USAO has voluntarily assumed responsibility for conducting SLEC training, which it conducted 7 times in 2011—far in excess of the required frequency—and during which it trained well over 300 tribal and local officers to qualify for the commissions.*

**Section 303. Access to National Crime Databases** - this section requires the Attorney General to ensure that tribal law enforcement officers have access and input ability to National Crime Information Center (NCIC) and similar federal criminal databases. *This Office took a proactive approach to helping tribes achieve this access. The Tribal Liaison regularly attended ITCA meetings addressing the issue of tribes' inability to access and input NCIC and other databases to achieve SORNA compliance, and drafted and sent a letter to the Director of FBI identifying the problem and requesting a solution.*



## **TRIBAL LAW AND ORDER ACT OF 2010 - How the U.S. Attorney's Office is Complying**

**Section 304. Tribal Court Sentencing** - the provision allows tribes who take certain steps to afford defendants due process in tribal court to define tribal offenses as felonies and sentence defendants upon conviction to up to 3 years for each offense, and up to a total of 9 years consecutive. *In 2011, this Office's Tribal Liaison provided comprehensive training and advice to 9 tribal governments, at their tribal offices, on the enhanced sentencing provisions of TLOA and how to take advantage of them.*



## DISTRICT ORGANIZATION AND STAFF BIOGRAPHIES

**“The United States Attorney is the representative not of an ordinary party to a controversy, but of a sovereignty whose obligation to govern impartially is as compelling as its obligation to govern at all; and whose interest, therefore, in a criminal prosecution is not that it shall win a case, but that justice shall be done.” *Berger v. United States*, 295 U.S. 78, 88 (1935).**

The United States Attorney is the chief federal law enforcement officer in the District of Arizona and is appointed by the President. United States Attorneys and their Assistants prosecute violations of federal law and represent federal agencies in federal courts as well as state courts, when appropriate. They also collect debts owed the federal government which are administratively uncollectible. United States Attorneys are not permitted to represent private individuals or business, nor are they permitted to give legal advice to members of the public.

The United States Attorney's Office (USAO) for the District of Arizona is headquartered in Phoenix, with branch offices in Flagstaff, Tucson, and Yuma.

The **Phoenix** Office consists of approximately 80 Assistant United States Attorneys (AUSAs). The bulk of the AUSAs are located at the main USAO in Phoenix, but there are also satellite offices located in the Sandra Day O'Connor Federal Court building, and in Flagstaff, and Yuma.

**The Border and National Security Section** handles matters related to domestic and international terrorism, including crimes occurring on our border with Mexico. The AUSAs in this section handle weapons smuggling, human trafficking and human smuggling crimes. The **Indian Country and Crimes Against Children Section** prosecutes felonies which occur within Arizona's tribal communities. These AUSAs also handle other violent crimes, such as bank robberies, as well as crimes against children including child pornography and child exploitation cases. The **Financial Crimes and Public Integrity Section** prosecutes financial crimes, public corruption, and complex multiple victim identity theft cases. The **OCDETF (Organized Crime Drug Enforcement Task Force) and Asset Forfeiture Section** handles organized crime and complex drug trafficking cases. AUSAs in this group also work to disable and dismantle criminal organizations by seizing their property. The **Southwest Border Crimes Sections** handles immigration cases, border drug crimes, and other reactive crimes in a fast-paced environment. The AUSAs in this section spend most of their time in court. The **Civil Rights Unit** investigates and prosecutes criminal violations of federal law arising from unlawful



## DISTRICT ORGANIZATION AND STAFF BIOGRAPHIES

discrimination and from abuse of government office at any level to deprive a victim of their rights. The **Courthouse Unit** supports the criminal division AUSAs by handling initial appearances and other hearings and overseeing grand jury matters. The **Civil Division** located in both Phoenix and Tucson represents the government in civil actions, both as plaintiff and defendant. The defensive cases include representing the United States in Federal Tort Claims Act cases, administrative appeals and employment discrimination. In other cases, AUSAs pursue civil fraud, False Claims Act cases, including health and defense contractor fraud on behalf of the United States. The Financial Litigation Unit is located in the Tucson office and handles federal liens and collects federal debts throughout the District. The **Appellate Sections** located in both Phoenix and Tucson are responsible for overseeing all appellate work filed by the U.S. Attorney's Office in the Ninth Circuit Court of Appeals, acting as liaison with the U.S. Department of Justice and Solicitor General's Office on appellate matters, and handling special projects at the direction of the U.S. Attorney.

The approximately 70 attorneys in the **Tucson** Office handle civil and appellate matters as described above, and criminal matters. The Tucson Criminal Division handles similar types of cases as Phoenix, but because of its location and its proximity to the international border, the Tucson Office prosecutes the majority of the immigration, alien smuggling, and drug-related crime for the District. It also handles investigations and cases involving narcotics trafficking, violent crime, child pornography/exploitation, financial and fraud crimes, weapons offenses, civil rights, and public corruption.

The **Yuma** Office, with three AUSAs and two support staff, serves the Southwestern section of the District of Arizona. Given its proximity to the border, the office handles initial charging, intake and processing of a high number of immigration, drug and other federal offenses. Like the Flagstaff office, the Yuma office is a resource to the law enforcement agencies and victims of federal crimes in the Southwestern portion of the state.

The **Flagstaff** Office, with a staff of six, including three AUSAs, serves Northern Arizona. It handles intake and initial charging decisions on cases arising from Indian Country, federal lands, or otherwise federally covered offenses in that part of the District. The office is a resource to the law enforcement agencies Northern Arizona and provides training and assistance to those agencies when requested. The office also provides assistance and information to victims of federal crimes arising in Northern Arizona.

The United States Attorney for the District of Arizona is committed to ensuring that the rights of victims are protected. The **Victim/Witness** staff is available to help all victims of crimes and to ensure the questions and concerns of victims and witnesses are addressed and promptly answered.





## **DISTRICT ORGANIZATION AND STAFF BIOGRAPHIES**

Below are short biographies of the dedicated prosecutors and victim witness advocates who, working with their law enforcement counterparts, strive to make Indian Country safer for the communities they serve.

### **Ann Birmingham Scheel**

Ann has served since September 2009 as the First Assistant United States Attorney, and since August 2011 as the Acting United States Attorney. She serves on the Attorney General's Advisory Committee's Subcommittee on Native American Issues. Ann has been in the United States Attorney's Office for over 20 years, having prosecuted Narcotics/OCDETF, White Collar and Violent Crime cases during that time. Ann has supervised the Violent Crime in Indian Country Section, and has served in the Appellate and Civil sections. Ann received her Bachelor's and Juris Doctorate degrees from the University of Arizona.

### **John J. Tuchi**

John is the Senior Litigation Counsel and Tribal Liaison for the USAO. He has been an AUSA for 13 years, practicing in Immigration, Drugs/OCDETF, Firearms, White Collar, Computer Crime and Appeals. John has also served as the Deputy Chief for Appeals, Criminal Chief, Acting First Assistant, and served as the U.S. Attorney for the interim between presidential appointees in 2009. John earned his undergraduate degree from West Virginia University College of Engineering, his M.S. in Computer Information Systems from the University of Arizona, and his law degree from Arizona State University College of Law.

### **Shawn Cox, MSW, LCSW**

Since 2006, Shawn has served as the USAO Victim Witness Coordinator. In this role, she supervises the Victim Witness Advocate staff, and implements the Federal Crime Victims Rights Act and the USAO victim and witness policies district-wide. She serves on the Child Fatality Review Team; the Greater Phoenix Area Human Trafficking Task Force, Phoenix Child Protection Team, and several other community and law enforcement based committees. Shawn received her Bachelor's Degree in Psychology and a Masters Degree in Social Work. She has an extensive history of working with victims of crime, traumatic stress, and child abuse. Shawn worked in a civil role in the military as a supervisor of the social work department and the family advocacy program and received a commendation for her work in expediting child abuse cases throughout the court system. She has a wealth of experience ranging from a rich history in hospital clinical and medical social work, employee assistance counseling, drug and alcohol addiction, program development, and as a clinician in private practice. She also served as an on-call clinical social worker for two local community hospitals. Shawn served as the Regional Director for a national legal advocacy group for abused children. She became the Director of Victim Services for a non-profit victim advocacy agency and pioneered bringing innovative



## DISTRICT ORGANIZATION AND STAFF BIOGRAPHIES

social services to crime victims who received the legal advocacy services in the project. Shawn is a Licensed Clinical Social Worker in the States of Arizona and Michigan. She is a member of the National Association of Social Workers, the American Professional Society on the Abuse of Children and the American Academy of Experts in Traumatic Stress.

### FLAGSTAFF

#### **Patrick Schneider**

Pat currently is Chief of the Flagstaff Office. He has been an AUSA for almost 20 years and during that time has worked in the Violent Crime Section, the OCDETF Section, and the Civil Section. In addition to being an AUSA, Pat has also held the positions of Deputy Criminal Chief of the OCDETF section and Criminal Chief in the Phoenix Office. Pat earned his law degree from the University of Wyoming School of Law. Prior to joining the USAO, Pat worked as a Deputy County Attorney at the Maricopa County Attorney's Office specializing in gang prosecution.

#### **Hope MacDonald LoneTree**

Hope is currently the Tribal Relations Advisor at the Office of the U.S. Attorney for the District of Arizona. She recently completed two 4-year terms as a Councilwoman on the 20<sup>th</sup> and 21<sup>st</sup> Navajo Nation Council. During her eight years on the Council she served on numerous committees and subcommittees including six years as the chair of the Public Safety Committee. She co-chaired the U.S. Department of the Justice-Office of Justice Programs Tribal Justice Advisory Group and in 2010 she served on the U.S. Attorney General's Tribal Nations Leadership Council. She served as the first Native American to be elected to the executive board and to Vice-President of the National Foundation for Women Legislators. Hope is a member of the U.S. Department of Health and Human Services Region IX Health Equity Council. She is also a local board member of Parenting Arizona in Tuba City, Arizona.

#### **Lee Mills**

Lee began working at the Phoenix U.S. Attorney's Office in 2003 and has worked in Flagstaff a Victim Witness Assistant since 2005. Prior to that she worked for the National Weather Service. Lee enjoys helping the victims from all across northern Arizona, including Indian Country and the national parks/ recreation areas.



## DISTRICT ORGANIZATION AND STAFF BIOGRAPHIES

### **Paul V. Stearns**

Paul has worked at the USAO for two and one-half years, handling defensive tort and employment law cases on behalf of the United States and its agencies before joining the Indian Country Team in 2011. Before joining the USAO, he worked in private practice at Bryan Cave LLP in St. Louis for approximately eight years, he was a full-time faculty member at the Police Training Institute at the University of Illinois, and he clerked for the Supreme Court of Missouri. Prior to attending law school Paul was a police officer for the City of Urbana, Illinois for nearly nine years, and he served in both the regular and reserve components of the United States Army. Paul graduated from the Southern Illinois University School of Law.

## PHOENIX

### **Sharon Sexton**

Sharon is Chief of the Violent Crime Section. She has been with the USAO for nearly 17 years and has worked exclusively in the Violent Crime Section. Before coming to the USAO, Sharon was also a prosecutor for five and a half years at the Maricopa County Attorney's Office. During her time at the USAO, she has specialized in crimes against children to include hands-on and child pornography offenses. She has also handled numerous other prosecutions including those involving conspiracy, murder, sexual assault, and aggravated assault.

### **Krista Armenta**

Krista has worked at the USAO since 2009. As a Victim Witness Specialist, Krista is part of the Indian Country model program for the District of Arizona. Krista has been assigned to cover the Western Navajo Nation, Hualapai, Colorado River Indian Tribes, Ft. Mohave, Cocopah, and Havasupai Reservations. Krista has a Bachelor's Degree in Criminology from the University of New Mexico. Prior to joining the US Attorney's Office, she worked for the US Air Force for three years.

### **Alison Bachus**

Alison has worked at the USAO for over five years. As an AUSA, she prosecutes cases from a wide range of tribal communities, including the Fort McDowell Yavapai Nation, Gila River Indian Community, and the Navajo Nation. Alison is also the Violence Against Women



## **DISTRICT ORGANIZATION AND STAFF BIOGRAPHIES**

Act Coordinator and the Supervisor of the Civil Rights Unit. Prior to coming to the USAO, Alison clerked for then-Chief Judge Stephen McNamee of the U.S. District Court. Before attending law school, Alison was a counselor for veterans at the U.S. Department of Veterans Affairs and did a policy writing internship in the Clinton White House (letters to heads of state and public figures on national security and veterans issues for personal signature by the President). She also completed a Congressional internship. Alison earned her undergraduate degree from the University of Illinois at Urbana-Champaign and her law degree from the University of Arizona.

### **Marlene Beall**

Marlene Beall has worked for the USAO since 2001 first as the Victim Witness Assistant for the Victim Witness Program and beginning in 2002 as a Victim Witness Specialist. Prior to joining the USAO, she was employed by the Arizona Attorney's General Office as a Victim Advocate for two years. Marlene also worked with the Navajo Nation Criminal Investigations Department, Victim Witness Program as a Victim Assistance Advocate for six years. Marlene has received extensive training in various victim assistance programs, such as the National Organizations for Victim Assistance (NOVA) and International Critical Incident Stress Foundation (ICISF). She also received a certification from the National Transportation Safety Board (NTSB) and graduated from the victim assistance training program, through the National Victim Assistance Academy in Fresno, California. Marlene also serves on the Committee for Arizona Coalition for Victim Services. Marlene graduated from Grand Canyon University in Phoenix, Arizona, with a degree in Criminal Justice

### **Heather Belt**

Heather has been an AUSA since February 2008. She prosecutes all violent crimes from Indian Country with a specialty in child crimes. She is also assigned to handle the majority of cases coming out of the Gila River Indian Community. Before joining the USAO, Heather was a deputy public defender at the Maricopa County Public Defender's Office. Heather earned her undergraduate degree from the University of California at Irvine and her law degree from the University of California at Berkeley.

### **Roger Dokken**

Roger has been an AUSA for over 30 years. He has worked on violent crime matters, drug cases, and has worked on civil matters involving fraud and environmental issues. Roger has served as the First Assistant United States Attorney, Criminal Chief, Deputy Criminal Chief, Tribal Liaison and has served on Attorney General Advisory Committee working groups. Before coming to the USAO, Roger was the Chief Deputy Coconino County Attorney. He earned his law degree from Valparaiso University Law School.



## **DISTRICT ORGANIZATION AND STAFF BIOGRAPHIES**

### **Jennifer Green**

AUSA Jennifer Green has been with the USAO for nearly four years. She started prosecuting drug trafficking cases and moved to Violent Crime in 2010. Before joining the USAO, Jennifer prosecuted felony vehicular homicide and gang/repeat offender cases for five and a half years at the Maricopa County Attorney's Office, and served as a misdemeanor prosecutor for the Town of Gilbert for three years. Prior to working as a prosecutor, Jennifer served as a law clerk to The Honorable Jon W. Thompson at the Arizona Court of Appeals. She currently handles violent crime cases from the Colorado River Indian Tribes, Hualapai Tribe, and Fort Mojave Indian Tribe, bank robberies and felonies committed in the Grand Canyon. She is a graduate of Arizona State University, earning her J.D. and B.A. in English from the Barrett Honors College.

### **Dyanne Greer**

Dyanne has been with the USAO since 2002 and, as an AUSA in the Violent Crimes Unit, works primarily on sex crime prosecutions. She specializes in child abuse, child sexual abuse, and sex offender registration issues. Before joining the USAO, Dyanne worked as a pediatric and emergency room social worker and also worked on civil commitment assessments. She has worked as a social worker in the Maricopa County Jail with psychiatric inmates and holds an MSW in clinical social work. After law school Dyanne worked for the Maricopa County Attorney's Office in the Sex Crimes Unit. She also spent a year as a senior attorney for the National Center for Prosecution of Child Abuse in Alexandria, Virginia. Dyanne has taught for years in the areas of child abuse, sex abuse and child homicides. She earned her graduate degree from the University of Arizona, her MSW from Smith College, and her law degree from Arizona State University College of Law.

### **Melissa Karlen**

Melissa has been with the USAO for over three years. Before joining the USAO she worked at the Office of the Chief Counsel, Department of Homeland Security in Los Angeles, California where she represented the United States of America in immigration proceedings resolving citizenship issues for immigrants. From 2002 to 2007, Melissa was a Deputy Prosecuting Attorney for the City and County of Honolulu, Hawaii. In that position, she was assigned to numerous prosecution divisions, including her final assignment with the felony career criminal division.

### **Brian Kasprzyk**

Brian is currently deployed with the United States Marine Corps to Afghanistan, and we anxiously await his return to the office in the spring. Brian joined the USAO in August 2008,



## **DISTRICT ORGANIZATION AND STAFF BIOGRAPHIES**

first working on immigration matters and then moving to the Violent Crime Section. Prior to joining the USAO, Brian was a judge in the Navy Marine Corps Trial Judiciary. He earned his undergraduate degree from the University of Delaware and his law degree from Widener University School of Law.

### **Christina Reid-Moore**

Tina has worked for the USAO in the violent crimes unit for over three years. She is currently assigned to the Hualapai Indian Reservation and also prosecutes drug cases in Indian Country. Before joining the USAO, Tina was a partner at the law firm of Renaud, Cook, Drury, and Mesaros and worked there for seven and a half years. Tina also served as a Deputy County Attorney for Maricopa County prosecuting violent and drug crimes for two years. She earned her undergraduate degree from the University of Miami and her law degree from Southern Illinois University.

### **Eydie Robertson**

Victim Witness Specialist Eydie Robertson has worked at the USAO since 2002. Eydie began as the Victim Witness Assistant for the Victim Witness Section then became a Victim Witness Specialist in 2006. Eydie graduated from Arizona State University with a degree in Psychology. She serves on the Innocence Lost/Child Prostitution and Greater Phoenix Area Human Trafficking Task Forces. Before joining the USAO, Eydie worked for the Bureau of Prisons for one and a half years.

### **Dimitra Sampson**

Dimitra graduated from the College of Law at Arizona State University in 1998. She then worked for the Maricopa County Attorney's Office as a prosecutor until 2004, primarily prosecuting sex crimes. Dimitra then went into private practice for a several years handling mostly medical malpractice defense and began working at the USAO in May 2008. Dimitra has been in the Violent Crime Section for her entire time at the USAO assigned primarily to the White Mountain Apache Tribe handling all of the cases from that reservation, including sex crimes.

### **Tom Simon**

Tom has been an AUSA since January 1991 working primarily in the area of violent crime. He has served as a general and violent crimes prosecutor and Deputy Chief for the Violent Crime Unit. Before joining the USAO, Tom worked as an attorney for Iowa Legal Aid and as a Maricopa County Prosecutor in the Trial, Organized Crime, and Homicide Prosecution Units. Tom also worked in private practice specializing in insurance defense and personal injury cases. He earned his law degree from the University of Minnesota, Drake.



## **DISTRICT ORGANIZATION AND STAFF BIOGRAPHIES**

### **Tracy Van Buskirk**

Tracy has worked at the USAO for nearly three years, spending a year and a half prosecuting firearms offenses and other matters handled by the General Crimes Section before moving to the Violent Crime and Indian Country Section. Prior to joining the USAO, she worked at the City of Phoenix Prosecutor's Office for five years. Tracy graduated from the Arizona State University College of Law.

### **Mary Williams**

Mary is Victim Witness Specialist who started with our Victim Witness Program as an intern in 1987. Mary is a graduate of Arizona State University and is member of the San Carlos Apache Tribe and Yavapai Tribe from Camp Verde, Arizona. Mary enjoys her job and the opportunity she has to provide services to victims of crime.

### **Cassie Bray Woo**

Cassie has worked at the USAO for three and one-half years. Prior to joining the Violent Crimes Section in 2011, Cassie prosecuted immigration, firearms, and narcotics offenses in the Southwest Border Section. Previously, Cassie also spent nearly five years working at the Arizona Attorney General's Office as a prosecutor specializing in Criminal Appeals; worked at the U.S. Nuclear Regulatory Commission in their General Counsel's Office; and clerked for United States District Judge Frederick J. Martone. Cassie graduated from the University of Arizona College of Law.



# DISTRICT ORGANIZATION AND STAFF BIOGRAPHIES

## TUCSON

### **Nicole Savel**

Nicole is the Chief of the Violent Crimes and Indian Country Section in Tucson and has been with the USAO for over seven years. In the office, her areas of experience include prosecuting drug offenses, violent crimes, and immigration offenses. Before her current supervisory assignment, she supervised a General Border Crimes Unit. Before becoming an AUSA, Nicole was a Deputy Pima County Attorney, from 2001 to 2004, in the sex offenses/family violence unit, and from 1995 to 2000, she was a Deputy Gila County Attorney, where she prosecuted sex offenses, drug offenses, property crimes, vehicular crimes, domestic violence and juvenile matters. She attended law school at the University of Arizona, and received her undergraduate degree from the University of Kansas.

### **Raquel Arellano**

Raquel has worked at the USAO for 19 years. Before joining the USAO, she worked as a Deputy Pima County Attorney at the Pima County Attorney's Office for four years wherein she worked in the Violent Crimes Unit, among other units. Raquel specializes in violent crimes cases from the Tohono O'odham Nation and the Pascua Yaqui Tribe. For more than two years, Raquel supervised the Violent Crime Unit. She attended the University of Arizona College of Law and received her undergraduate degree in General Business from the University of Arizona.

### **Dori Arter**

Dori has been employed by the Tucson USAO since 1977. For the past 21 years she has been a Victim Witness Advocate. She volunteered in the evenings with the local Victim Witness Program for nine years, going to crime scenes with the Tucson Police Department and providing on-scene crisis intervention to the victims and their families.

### **Ann DeMarais**

Ann has been with the USAO for nearly four years. She is currently assigned to the Violent Crimes Unit. Her previous assignment was in general prosecutions. Prior to joining the office, she worked as an Assistant District Attorney in New Mexico for nine years prosecuting narcotics, domestic violence and child abuse cases.





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### **Mary-Anne Estrada**

Mary-Anne has worked in the USAO Tucson Office since 1998 and has been advocating for victims for over 15 years. Prior to coming to the USAO, Mary-Anne was a Victim Advocate for the Pima County Attorney's Victim Witness Program where she worked primarily on homicide cases many of which were death penalty cases. Mary-Anne has a B.S. in Business Administration.

### **Jesse Figueroa**

Jesse graduated from Youngstown State University in 1971 with a B.S and B.A. with a major in accounting. He graduated from the University of Arizona College of Law in 1974. Since graduating from law School, he has been in private practice, a Tucson City Magistrate and a Deputy Pima County Attorney. Jesse has worked at the USAO since 1991.

### **Kim Hopkins**

Kim has been with the USAO since 2008. She is currently assigned to the Violent Crimes Unit, as one of the Project Safe Neighborhood attorneys. She primarily handles firearms and home invasion cases, and her caseload includes firearm offenses in Indian Country. Her previous assignment was in the southwest border general crimes unit. Kim went to law school at Boston College.

### **Tim Jefferson, MA**

Tim has worked as a victim specialist with the USAO since January 2010 as part of an Office for Victims of Crime model program to work with victims of border crime. As a bilingual Spanish speaker, he provides services to both U.S. Citizens and immigrant victims of crime. Given the demographics of Southern Arizona and the shared border of the Tohono O'odham Nation with Mexico, many of his cases involve Native American victims and defendants. Tim has worked with crime victims and the refugee and immigrant community in Tucson for the past seven years. Prior to him joining the U.S. Attorney's Office, he worked as a victim advocate for the Pima County Attorney's Office.

### **Micah Schmit**

Micah began his career at the Tucson City Prosecutors Office in 1993 and has never left prosecutions. In 1997 he moved over to the Pima County Attorney's Office where he spent the majority of the next 7 years in their felony Special Victims Unit. In 2004 he left to become the chief prosecutor for the Pascua Yaqui Nation, managing an office of six prosecutors and 700 cases annually. He joined the USAO in February 2008 and has been in the Violent Crimes Unit



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since April, 2010. His extracurriculars include stints chairing the Arizona State Bar's criminal rules committee as well as the Criminal Justice Section and he just concluded his second term on the bar's ethics committee. In 2010 he was appointed to a four-year term on Tucson's judicial nomination/retention committee.

### **Rui Wang**

Rui has worked at the USAO for nearly three years. Before joining the USAO she worked for the Pima County Attorney's Office prosecuting domestic violence and vehicular crimes for three years. Rui specializes in cases from the Pascua Yaqui Tribe and Tohono O'odham Nation. Rui went to law school at the University of Arizona.

### **Angela Woolridge**

Angela has worked at the USAO for over five years. Before joining the USAO, she worked for the Pima County Attorney's Office prosecuting special victims unit crimes for three and a half years. Angela specializes in cases involving sex offenses, violent crimes, and firearms cases from the Tohono O'odham Nation. This past fall, she was awarded one of the Department of Justice's highest honors – the Attorney General's Award for Outstanding Performance by a Newer AUSA. Angela also serves as the District of Arizona's Project Safe Neighborhood (PSN) Coordinator.

**District of Arizona  
Indian Country  
Operations Plan  
(Full Text)**





## OPERATIONS PLAN

### Public Safety In Indian Country

Effective Date: June 16, 2010

Reviewed: June 16, 2010

Last Updated: December 12, 2011

#### I. Overview

The Deputy Attorney General of the United States declared in his [January 11, 2010, Indian Country Law Enforcement Initiative Memorandum](#) that “public safety in tribal communities is a top priority for the Department of Justice.” This priority designation recognizes the Department’s unique relationship with the tribes, which vests in the United States Attorney’s Offices the sole authority, in the case of serious violent crimes committed by or against Indians in Indian Country, to seek and obtain criminal sentences that sufficiently vindicate the safety interests of the affected tribes and their members. To give meaningful effect to the Department’s priority designation, this Office has adopted the following comprehensive plan, which will govern its daily operations in Indian Country and inform its long-term development of programs to improve the delivery of law enforcement services to tribal community members.

The District of Arizona USAO Operations Plan emphasizes, among other things:

- respect for the sovereignty of the tribes, which underlies all of our interactions with tribal officials and members;
- the practice of active, regular, two-way communication with all tribes in the District of Arizona, at multiple levels of tribal government;
- the sharing of as much information as possible with tribes, to maximize their own ability to protect their communities through investigation and prosecution of tribal offenses;
- increased presence of our AUSAs, victim advocates and office leadership in the tribal communities in a proactive manner, rather than just when necessary for case advancement;
- development of a joint tribal-federal model for increased prosecution and prevention of domestic violence and other violence against women and children

in tribal communities, which model rests on the foundations of increased SLEC certification of tribal police officers and SAUSA cross-designation of tribal prosecutors to assist in bringing charges federally for such offenses, where the sentences would have a greater specific deterrent effect;

- the delivery of regular, customized training by AUSAs and federal agents to tribal law enforcement on law, procedure, evidence gathering and investigative techniques, based in large part on the tribes' own specific training needs; and

- a continuous, repetitive systemic review of all processes by which law enforcement services are delivered in Indian Country, to find inefficiencies or failed practices that limit our effectiveness, or that of our partner federal investigative agencies, in doing our jobs as well as possible.

The USAO was doing much, but not all, of the above before we undertook formal consultation with the tribes and began our critical review of operations in Indian Country. This Plan institutionalizes those extant practices which our review has concluded are "best practices," and adds substantially to them with new procedures developed as part our operations review, undertaken in consultation with the tribes and our partner federal agencies. The Plan has eight elements:

[Communication;](#)

[Investigations;](#)

[Victim Advocacy;](#)

[Training;](#)

[Outreach;](#)

[Reduction of Violence Against Women and Children;](#)

[Accountability;](#) and

[Continuous System Review.](#)

Each element is discussed in its corresponding Section below. The plan and its specific components have been influenced heavily by ideas coming from discussions with tribal leaders, both during the USAO's first two annual Formal Tribal Leadership Consultations and in individual meetings with leaders.

## **II. Communication**

In his [January 11 Memorandum](#), the DAG issued a directive that all Districts' Operational Plans include a component on "Communication," which he defined as a "descri[ption of their respective] processes for informing tribal law enforcement about charging decisions, including declinations." January 11, 2010, [DAG Memorandum at p. 5](#). This District has elected to formulate a much more comprehensive communication component in its plan than what the DAG requires, in both qualitative and quantitative terms. Qualitatively, our communication plan will emphasize not only output of information, but actively and constantly seeking input from tribal officials in elected office, law enforcement, prosecution, the courts and social services, and considering that input in all our decisions affecting Indian Country. It is the philosophy of this Office that no one knows and understands the problems and needs of tribal communities better than the communities themselves, and as highlighted throughout this Plan, some of the best ideas to be implemented in it have come from our listening to tribal representatives.

As a quantitative manner, the Plan recognizes the following opportunities for two-way communication and mandates their observance:

### **Liaison/Communication Practices:**

A. In addition to its Tribal Liaison, this District has created the position of Deputy Tribal Liaison to double the amount of attention it pays on a senior management level to tribal affairs. The Tribal Liaison and Deputy Tribal Liaison are be responsible for communicating with tribal officials at all levels about general matters of importance to the tribes, as well as conveying appropriate information about specific cases and their statuses. The Tribal Liaison and Deputy Tribal Liaison will develop and maintain at least one close contact, where possible, with a member of each of the following entities within each tribe, nation or community: the Tribal Council, the Tribal Executive's Office (where the Executive is distinct from the Council), the Tribal Prosecutor's Office, and the Tribal Police Chief. We will maintain this multiple-channel communication structure to ensure that all entities are comfortable making inquiries of or sharing concerns with us;

B. Also, because of the relatively close proximity of the Flagstaff Branch Office to the five northern Arizona counties and the existing relationships between that office and the tribal governments in those counties, The Flagstaff Branch Chief also will perform informal liaison duties between the representatives of those tribes and the USAO. For the same reasons of proximity, the Tucson Branch Chief and the Section Chief for Violent Crimes in the Tucson Branch will perform informal liaison duties between the representatives of the Tohono O'odham and Pascua Yaqui tribes and the USAO.

### **AUSA Community Contact/MDTs**

C. Each AUSA having Indian Country responsibility also will undertake liaison duties with their assigned tribe to address specific case-related matters with tribal law enforcement, tribal prosecution and related tribal government agencies. Each such AUSA, and each Victim Advocate in the USAO, will be assigned to at least one Multi-Disciplinary Team (“MDT”), according to this [MDT schedule](#);

D. Each AUSA assigned to a tribe will be responsible for attending all MDT meetings for that jurisdiction, and if the MDT has ceased to function meaningfully, for making concerted efforts to revive that MDT. In addition to the existing MDTs on child sex crimes, AUSAs are strongly encouraged to seek the establishment of MDTs for all other violent crimes on their assigned reservations;

E. Each AUSA also will make visits to her or his assigned reservation without regard for MDT or other mandated meetings, simply to gain familiarity with the reservation and its government. Such visits might include, for example, observing proceedings in tribal court or meetings with tribal police and prosecutors to discuss the training needs of the agencies and market our availability to provide that training;

### **Affirmative Reporting and Responsiveness to Inquiries**

F. The Tribal Liaison, Deputy Tribal Liaison, Tucson and Flagstaff Branch Chiefs and all Indian Country AUSAs and supervisors will maintain a same-day call-back policy for inquiries or requests for assistance from tribal representatives. Even if the return call is only to say the AUSA or manager received the request and is working on it, we will return those calls the same day. This practice is intended to make concrete our policy of responsiveness on the priority issue of Indian Country;

G. The USAO also will continue to issue its annual Indian Country Report, which will summarize violent felony, narcotics, bootlegging, white collar and public corruption prosecutions in Indian Country, both District-wide and by reservation, and will highlight reportable events on cases of particular interest, including tribal law enforcement training accomplished;

H. Keeping tribal leaders and the public in general informed of significant events in criminal justice matters through the media and public outreach serves our purposes of deterring crime by example, and by reassuring victims and the community that we are committed to strengthening public safety. The decision to communicate case information through the media or outreach, however, will be made on a case-by-case basis, and will



also take into account the paramount concerns of protecting ongoing investigations and ensuring the safety and privacy rights of victims.

### **Engagement with Tribal Law Enforcement**

I. This Office participates fully in Arizona's Indian Country Intelligence Network (ICIN), an information-sharing organization of all tribal police chiefs. The Tribal Liaison, Deputy Tribal Liaison, Law Enforcement Coordinator or an Indian Country AUSA will attend all monthly ICIN meetings and will use those meetings to solicit concerns about law enforcement issues from the police chiefs, to gauge and respond to training needs, and to share updates with the chiefs about federal criminal law and USAO activities of interest to them. The USAO representative will make regular presentations at the ICIN meetings on topics requested by the ICIN membership;

J. This Office also participates fully in the Arizona Tribal Prosecutors' Association (AzTPA), an information-sharing organization of all tribal chief prosecutors. The Tribal Liaison, Deputy Tribal Liaison or both will attend all quarterly AzTPA meetings and will use those meetings to solicit concerns about law enforcement issues from the prosecutors and to share updates with them about federal criminal law and USAO activities of interest to them. The USAO representative makes regular presentations at the AzTPA meetings on topics requested by the membership;

### **Timely Charging Decisions; Communication of Declination and Consultation with Tribal Prosecutors**

K. Upon receiving a referral of an investigation into a criminal matter on one of the tribal nations, the USAO will assign an AUSA to monitor the investigation. The AUSA will be responsible for conferring with the appropriate investigating agency within one week of the referral to determine the status of the investigation, to appropriately direct the preservation of evidence, and to make any necessary requests for additional investigation then apparent to the AUSA. The AUSA shall meet regularly with law enforcement to ensure that the matter is being appropriately investigated, and that prompt charging decisions are made.

L. Within 30 days of receipt of a final prosecution report from the referring agency, the assigned AUSA will make a determination to charge the matter, to decline it, or to direct additional furthering investigation by the referring agent(s). Upon concluding that a violent crime matter in Indian Country must be declined, the AUSA will prepare a written notice of that declination, setting forth the reasons for that declination in sufficient detail that a tribal prosecutor assessing her or his own case under the applicable tribal code would understand those

reasons well and would be able to assess whether any evidentiary shortfalls in the contemplated federal case would similarly render a tribal case unviable. The AUSA will send the declination letter to the tribal prosecutor and, if appropriate, to the tribal police chief, at the same time (s)he sends it to the referring federal agent;

M. With a copy of the declination letter, the AUSA also will invite the tribal prosecutor to visit the USAO, to discuss the matter and the declination with the AUSA, and to gain access to the evidence in the matter that the AUSA has maintained. While the AUSA cannot mandate the investigating federal agency to share evidence in its possession with the tribal prosecutor, the AUSA will encourage the investigative agent to do so at every opportunity. This practice will provide the tribal prosecutor with every opportunity to assess the potential merits of a tribal case where a federal case is not viable, and if the tribal prosecutor concludes a tribal prosecution is sustainable, it will give her or him every chance to succeed at that endeavor.

All of the above are intended to create a redundancy in contacts between the 22 respective tribes in the District and the USAO, and to foster the sense among tribal representatives that the Office is hyper-responsive to their public safety needs and concerns. Because each of the 22 tribes in Arizona is situated and structured differently, our redundant communications plan allows us flexibility to reach tribal leaders—and them to reach us—in many different ways, to ensure that we are providing necessary information timely and, just as importantly, that we are hearing from multiple sources what is occurring on the various reservations and what they need.

### **III. Investigations**

The USAO has established a good working relationship with Bureau of Indian Affairs - Law Enforcement Division and the Federal Bureau of Investigation, and expends substantial effort to maintain it. Communication between agents and AUSAs, and between respective management structures, both on case specific matters and general Indian Country issues, is frequent and there should be no surprises as a result. The frequent communication between our agencies also allows us great flexibility in responding to public safety issues in Indian Country because all partners know they can make adjustments frequently and easily. This Office also enjoys strong relationships with many tribal police departments based on mutual respect and the expectation that frequent communication is welcome. We will continue to encourage communication, requests for assistance and training, and collaboration with tribal police at every opportunity, to bring more tribal departments into a circle of trust and to improve cooperation with those that already feel satisfaction working with us.

The availability of federal criminal investigative resources on each of Arizona's 22 tribal communities is different, and so our Plan to coordinate coverage of investigations must be commensurately flexible to provide an effective response. For example, San Carlos Apache

Reservation currently has four BIA Special Agents assigned to it, but there is no FBI presence. Conversely, an FBI Special Agent is assigned to cover Pascua Yaqui, but no BIA agents work cases there. Hopi enjoys the presence of a BIA police force in several of its villages, as well as FBI investigative support staged from Flagstaff. Navajo has no BIA investigative presence, and because of its geographic span, those FBI Agents who investigate major crimes there are often a half-day away from the crime scene, in Gallup or Flagstaff; for that reason, the USAO relies heavily on Navajo Criminal Investigators as first responders to many major crime scenes on Navajo. There are 18 more permutations of investigative coverage across the 18 other tribes. Flexibility in approach is therefore paramount.

**A. Roles of Respective Law Enforcement Partners.** The [attached table](#) sets forth which agencies currently have principal investigative responsibility for specific offense types, if any, for each of the 22 tribal communities. Historically, BIA and FBI had entered MOUs dividing responsibility for investigations on specific reservations based on case type. Most of those MOUs were abrogated or have become outdated over time. Under the Plan, the Tribal Liaison will identify, and review the status of, all existing MOUs and, after consulting with the federal agencies and seeking input from the affected tribes, will recommend to the United States Attorney, on a reservation-by-reservation basis, whether the creation of a new MOU allocating the responsibilities of the federal agencies is warranted and if so, how they should be apportioned. Under this Plan, it is the default position of the Office that hard and fast divisions of case responsibility between FBI and BIA is to be avoided, and is unnecessary, in light of the history of cooperation between the two agencies in this District, and their mutual recognition of each other's expertise in different areas.

**B. Consideration of Relevant Federal, State and Tribal Law.** It is the policy of this Office that every offense and every offender will be evaluated individually to determine under what jurisdiction and what charges the most appropriate specific deterrence will be achieved. AUSAs are in contact with federal case agents, tribal police (where applicable) and tribal prosecutors to consider whether prosecution under the tribal code, on the one hand, or pursuant to the Major Crimes Act or Indian Country Crimes Act or assimilated state statutes, on the other, is more appropriate. In the ordinary course, this Office will opt to charge a readily provable federal felony offense wherever it presents itself. It is the policy of this Office that prosecutive resource issues will not stand as a barrier to charging decisions for violent crimes in Indian Country.

**C. Prosecution Guidelines in Indian Country.** The attached [Violent Crime guidelines](#) apply to all offenses occurring in Indian Country. The USAO is the principal avenue for felony prosecution of violent crime in Indian Country involving Indian defendants, victims or both, and indeed the sole option for felony prosecution where a tribe has not opted into the enhanced sentencing provisions of the Tribal Law and Order Act. Therefore this Office has no prosecution thresholds and will charge every readily provable felony violent crime, as well as any domestic violence misdemeanor occurring between a non-Indian defendant and an Indian victim.

**D. Task Forces Operating in Indian Country.** This Office supports and encourages the establishment of federal-state-tribal task forces as a force multiplier in Indian Country. The most long-standing such task force in Arizona is FBI's Project Safe Trails, which was established on Navajo in 1996 and continues to be active today, with participation from FBI, Navajo Police and Navajo Criminal Investigators. This Office also supports the Project Safe Neighborhoods Pilot on the Tohono O'odham Nation, which on May 24, 2010, concluded a year-long investigation by Tohono O'odham Police, BIA and ICE of drug and gun trafficking by gang members on the Nation, with the arrest and indictment of 10 traffickers. We also participate in the LaPaz County Task Force, whose main focus is on drugs in Indian Country and in February of 2010, arrested and prosecuted twelve narcotics traffickers in federal, state and tribal court after a coordinated take-down. The above programs should be viewed as models for replication throughout Indian Country in this District, and this Plan calls for the Office to aggressively pursue similar new opportunities.

**E. Child Protective Multi-Disciplinary Teams (MDTs).** As stated in Section I above, this Office regularly participates in Child Protective MDTs on every reservation for which we have prosecution and investigative responsibility. AUSAs all are instructed to encourage expansion of the MDT model for adult victims of sexual violence and other violence.

**F. Tribal, State and Local Cross-Deputation Agreements.** Currently, twelve tribal police departments - Ak-Chin, Cocopah, Colorado River, Fort McDowell, Gila River, Hualapai, Navajo, Pascua Yaqui, Salt River, San Carlos Apache, Tohono O'odham and Yavapai Prescott - have cross-deputation agreements in place through the BIA's Special Law Enforcement Certification (SLEC) program. This Office has assumed responsibility for conducting all training of tribal officers under the SLEC program and staffs between six and eight, three-day-long training sessions throughout the calendar year; two other tribes in the District currently are working toward agreements with BIA to receive SLEC status. The Office will actively recruit and promote increased participation in the program among the other 3 tribes with 638-contracted police forces. We view the availability of well-trained tribal police with federal law enforcement capabilities as a force multiplier and the District's goal is to see all tribes with land<sup>1</sup> achieve SLEC or another cross-deputation status.

Additionally, this office is actively engaged in helping the Arizona Department of Public Safety and at three county sheriff's offices to obtain cross-deputation under SLEC so they may enforce federal law on those reservations where the tribal councils have invited their presence. Under our Plan, the Office, through the Tribal Liaison, will pursue expansion of cross-deputation agreements with county and state law enforcement to make more trained and certified officers available for patrol and operations on those tribal communities who want them.

This District's Plan focuses heavily on the dual goals of 1) increasing the base of well-trained, available investigators of federal offenses; and 2) maintaining and improving the level of

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<sup>1</sup> One tribe - the San Juan Southern Paiute Tribe - has members living in Northern Arizona but no recognized lands. It therefore has no tribal police force.

that base's investigative skills through targeted and frequent training (treated in depth in Section IV below). Our ongoing efforts to increase the number of competent investigators, both overall and on specific reservations with specific needs, is achieved by growing participation of tribal, county and state police departments in cross-deputization programs like SLEC, and by targeted efforts to grow the staffing of federal agents dedicated to Indian Country violent crime.

Our Plan does not ignore the need for adequate staffing by federal investigative agencies. Successful efforts to date in growing BIA presence on specific reservations are exemplified [here](#). Ongoing efforts to increase FBI presence in Indian Country significantly are modeled here. These steps, coupled with frequent communication and coordination between all participants, will yield improved public safety throughout Indian Country.

**G. Central Violations Bureau (“CVB”).** This Office has secured the participation of two tribes in a program to utilize the CVB citation process to address minor offenses by non-Indians in Indian Country, such as trespass on tribal government facilities like casinos. The Office became involved in this issue, and in developing this solution, when county officials declined to prosecute such misdemeanors after concluding that they involved tribal victims - the tribe itself- and therefore were beyond the jurisdiction of the counties. In order to avail itself of the CVB program, a tribe must first obtain SLEC certification for its police officers. Thus, the CVB program becomes one more advantage of SLEC certification and the commensurate federal training, a step this Office will encourage for all tribes.

#### **IV. Victim Advocacy**

The Office recognizes that its responsibilities in Indian Country do not begin and end with criminal investigation and prosecution, and that one of our highest obligations is ensuring that the victims of the crimes we prosecute are accorded all of their rights to notification and participation in the criminal justice process. This is not just a matter of legal obligation; it is an outgrowth of our concern for the members of the community we serve, and a recognition that justice does not just mean punishment, incapacitation and rehabilitation of the offender, but also restoration of the victim and the community offended, as much as possible.

The USAO's own Victim Witness Advocate Unit has extensive and well-defined procedures for servicing victims of violent crime, which can be viewed [here](#). In general, USAO Victim Advocates coordinate the efficient delivery of their services with FBI and BIA Victim Specialists through a very close cooperative relationship. We recognize this cooperative relationship is necessary to provide seamless service to victims who are enduring the most difficult personal times, so that someone is always available to respond to the victim's needs, inquiries and requests from investigation to trial to sentencing. The Victim Witness Unit reinforces the close coordinating relationship with FBI and FBI specialists through frequent informal meetings and an annual formal meeting of all Victim Advocates from all federal agencies, held in conjunction with the annual Law Enforcement “Pow Wow,” or conference of

the heads and managers of all law enforcement agencies in the state, and the annual Four Corners Indian Country Conference, which focuses those same personnel on victim issues in law enforcement.

By maintaining open and frequent communication with FBI and BIA, the Victim Witness Unit at USAO will continue to share information on a case-by-case basis, and make individual decisions on which agency will provide what services to the victim. In the ordinary course, the Victim Specialist for FBI will open a matter in the Victim Notification System (VNS) under the agency's investigation number and will establish and maintain contact with the victim through charging. Because Indian Country Violent Crime cases are reactive in nature, AUSAs are made aware of their existence at the same time as the investigating federal agent learns of the case. Likewise, USAO Victim Advocates learn very early of the offence and the specific situation of the victim, and at that point, discussions begin with FBI or BIA about the nature of the matter and whether USAO Advocates will make earlier contact with the victim. Victim Advocates will ensure that, as a USAO matter is opened in LIONS, the VNS information links up so the victim is able to use the system to track case progress once the matter is charged.

In general, principal contact with the victim transitions to the USAO Victim Advocate at the point of charging, but it is frequently the case that the FBI or BIA Specialist also continues contact with the victim, when that FBI or BIA Specialist has specialized knowledge or ability suited to the victim's situation (or simply a desire to continue to be of service). In some cases, both USAO and FBI/BIA Advocates do a home visit to ensure the victim understands their roles and their mutual availability. The Plan encourages this flexible approach, without MOUs between the agencies, because of its responsiveness and the effectiveness with which services are provided.

When providing service to Indian Country victims requires native languages (including, for some tribal members, Spanish), the Advocates, several of whom speak native languages or Spanish proficiently, look to themselves first. If they do not speak the victim's language, they will utilize members of the tribal investigative agency.

## **V. Training**

This Plan emphasizes training both as a way to improve the quality of criminal investigations, and therefore to increase the number of viable cases charged in Indian Country, and as a method for improving communication and trust between our Office and tribal police departments. The District employs a corps of AUSAs whose majority or sole responsibility is the investigation and prosecution of violent offenses in Indian Country, and each AUSA works in a defined reservation or (in the case of Navajo) region of a reservation. As a result, and because under our Plan each prosecutor is required to spend extensive time on their reservation learning and communicating with community members, the Plan does not focus on formal cultural or jurisdictional training for our personnel, as suggested by the Director's April 9, 2010 Memorandum. Rather, the Plan emphasizes heavily a program of both standardized and

customized training of tribal police, delivered by Indian Country AUSAs and federal agents, occasionally at the USAO but principally at tribal police facilities, to maximize attendance.

In assuming responsibility for all SLEC training in the District, which it conducts at tribal locations, the Office increases the visibility of many of its AUSAs in Indian Country, as all sections of the course are taught by the Tribal Liaison and a rotating combination of Indian Country AUSAs. This Office works closely with BIA in soliciting requests for SLEC certification or recertification training, and then scheduling that training at an accessible location for most officers. Thereafter, the planning, staffing and instructor presentation duties are turned over to the USAO, which has responsibility for the entire three-day course, up until the administration of the examination.

Under the Plan, the Office will petition the Department of the Interior, Indian Police Academy, to allow to the Tribal Liaison to revise the curriculum and examination for the SLEC course, so that tribal officers can receive training that is more aligned with the needs of federal criminal investigations in the judgment of this office.

Additionally, the U.S. Attorney, the Tribal Liaison and Deputy Tribal Liaison, and all Indian Country supervisors and AUSAs will actively market to tribal police departments, whether SLEC certified or not, the availability of standard or customized training presentations on any law enforcement topic they desire. Indian Country AUSAs have developed, and will continue to develop, presentation materials for topics including crime scene and evidence preservation, witness interviews, report writing, suspect interviews, chain of custody, search and seizure, sex crimes investigation, federal criminal procedure, and advice of rights under both federal law and ICRA. These modules will be developed as a result of our assessment of tribal police and federal agencies' specific needs, as determined both by the agencies' requests and by the observations of AUSAs.

Tribal police agencies already have begun requesting specific training under this initiative, and it is the goal of this Office to accommodate timely every such request. An AUSA responsible for the reservation or territory, a USAO supervisor, the Tribal Liaison, an AUSA with specialized expertise in the subject matter, or some combination of the above, will deliver the requested training at a time and place that we contemplate to maximize its availability to members of the requesting agency. Training sometimes will be held in conjunction with a scheduled MDT meeting.

## **VI. Outreach**

Other parts of the Plan contain activities and programs that the Office broadly considers "outreach." However, this element will deal with those contacts, programs and initiatives that focus not on reactive criminal investigations and prosecutions, but on strengthening tribal communities and their governments (including tribal law enforcement agencies) to reduce and avoid criminal behavior. Our Office's Law Enforcement Coordinator and Community Outreach

Coordinator, along with the U.S. Attorney and other senior management, will take an active hand in identifying and developing these worthwhile efforts.<sup>2</sup>

As set forth above in Section III, this Office will continue to seek out and support viable opportunities for task force participation that includes tribal police agencies. The recent successes of such task forces on Navajo, Tohono O'odham (PSN), Gila River, Ak-Chin and Colorado River Indian Tribe, to name a few, will serve as models for emulation in other tribal communities.

Under the Plan, the Office developed a large-scale program for the appointment of tribal prosecutors from participating tribes as SAUSAs, to address criminal issues of particular interest to the participating communities. A pilot program was presented to tribal leaders at this District's Tribal Consultation meeting on February 23, 2010. For a detailed description of the program, click [here](#). Throughout 2010 and early 2011, the USAO recruited the participation of tribes and at present has signed memoranda of agreement with nine tribal governments, who collectively have put 13 tribal prosecutors in to the program. The USAO kicked off the program in fall 2011 with a week-long training the SAUSAs in its Phoenix office, as described below. Those trained SAUSAs are now receiving adbn acting as counsel with AUSAs on federal cases in the areas of domestic violence (including that perpetrated by non-Indians on their Indian partners), violence against women in general, drug and bootlegging crime, and minor crimes against tribal casinos and other tribal facilities.

Under the SAUSA program, tribal prosecutors are trained by Indian Country AUSAs in federal procedure and laws, and USAO practices. After the formal training and shadowing AUSAs in federal court to see hearings throughout the life cycle of matters, the SAUSA return to their reservation. Then, working with tribal police in their own community, they evaluate cases of the above types that come to their attention and, in consultation with the USAO, decide whether the defendants are more effectively dispositioned through a tribal prosecution or a federal prosecution, or both. If tribal, the prosecutor handles the matter in tribal court. If federal prosecution is more appropriate and, in the judgment of the USAO, the case is viable, the tribal prosecutor participates in charging and prosecuting the case federally as a SAUSA, co-counseling with an AUSA. As the SAUSA becomes more proficient with early matters, the USAO seeks to expose them to more complex matters originating from their community.

The goal of this program is not the processing of more cases—in fact, we do not handle

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<sup>2</sup> Examples of such outreach that the Office has undertaken in this planning period include our joinder in a habeas matter to support the ability of tribal courts to sentence defendants consecutively under the Indian Civil Rights Act; our serving as consultant for a tribe that is attempting to draft forfeiture statutes that would allow it to seize the property of tribal members distributing narcotics on tribal land; and our efforts to broker an agreement between BIA and state law enforcement that would confer SLEC status on the state agency to provide law enforcement services in tribal communities who desired their presence. The Plan calls for the Office to seek involvement in such efforts that benefit one or more tribes generally.



any additional cases because all matters assigned to a tribal SAUSA are co-counseled by an AUSA who would be on the case in any event. The District intends that the collaboration between SAUSA and USAO promote education among both, about both systems and what is possible under each. The District will continue to expand the program for all interested tribal prosecutor's offices.

### **Coordination with DOJ's Community Relations Service and Grant-making Components**

The Plan reminds Indian Country AUSAs of the availability of the Department of Justice's Community Relations Service for tribal leaders' conflict resolution, facilitated mediation or conciliation between tribes and states or local governments. This Office regularly engages or briefs CRS's regional director on such conflicts between tribes and others.

The Plan requires that the District will be actively engaged in notifying tribal governments of all opportunities for governmental grants, which it does through direct contact and through the Inter-Tribal Council of Arizona. Additionally, this Office will seek to act as a clearing house to monitor the status of tribes' pending grant applications within DOJ components, such as COPS, OVW, SMART, OVC, OJJDP, BJA and BJS, and report that status to the inquiring tribes.

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

This District will aggressively pursue the Attorney General's priority of reducing violence against women and children in Indian Country. This District has historically provided the resources to charge and prosecute every violent felony matter in Indian Country that was, in the judgment of its AUSAs, readily provable based on the evidence presented. The Plan elevates what this Office and its AUSAs are required to do in three principal ways.

*First*, our AUSAs will encourage the referral of misdemeanor cases involving non-Indian perpetrators of domestic violence, and we will prosecute all such viable cases presented. The police departments of many tribal communities, including the most populous and those located near large urban areas, report a substantial amount of domestic violence perpetrated on tribal members by non-Indians who live on the reservation with their partners. Because tribal courts have no jurisdiction over non-Indians, federal charges, even if they are misdemeanors, are the only avenue for interrupting cyclical violence and removing the perpetrator from the community and his victim. AUSAs have pursued, and will continue to pursue, such cases even where the victim is reluctant to support the prosecution, so long as there is a reasonable assessment that the elements can be proven.

*Second*, this office will "grow" the percentage (and raw number) of viable cases among existing referrals by improving the quality of investigations, through increased training of tribal investigators. A significant number of matters referred to us cannot be charged due to

insufficiency of the evidence developed. The Office will use its increase in Indian Country AUSA resources in part to provide training, as discussed in Section III, to tribal police on specific areas of investigation that require improvement.

*Third*, this Office has begun, and will continue, a [procedure to review the records](#) of all Indian Health Services facilities to ensure that every report of sexual assault made by a person appearing at an IHS facility seeking treatment results in a referral to law enforcement, and that all cases having credible evidence after investigation are pursued for charging. The Office will compare the number of sex assaults reported to IHS on a specific reservation over a defined period to the number of FBI matters involving sex assault from that reservation for the same period, and will trace discrepancies case-by-case, to determine if any gaps in referring viable cases exist; we will then close those gaps.

The office will engage with IHS administrators to promote programs like SANE, which ensure that emergency room nurses have adequate quantities of rape kits and are trained to use, store and transmit them properly. Testing will be handled by the Arizona Department of Public Safety Forensic Laboratory in all Indian Country sex assault investigations, by agreement between FBI and the DPS.

At present, FBI assumes the role of principal investigator in most Indian Country sex assault matters by agreement with BIA. If, as anticipated, FBI receives additional agents for Indian Country in Arizona for FY11, it will take on that role in all sex assault matters.

The District has associated itself with Northern Arizona University's National Domestic Violence Fatality Review Initiative to help adequately address lethality risks and safety considerations in domestic violence situations. This Office will use its participation in DV fatality review to help implement preventative interventions and develop heuristic models for tribal officers and first responders to analyze situations for possible DV and act accordingly to first provide safety to victims.

## **VIII. Accountability**

AUSAs in Indian Country all have been trained on the proper use of the USA-5/5A system and its Indian Country categories to record their time properly, including weekly (at least) input of their time. This regime is enforced by the USA-5 system implementation in the District, which will not allow AUSAs to input time more than a week after the fact, and by inclusion in all AUSAs' work plans of an element requiring timely input of accurate data into USA-5. The District will give semi-annual refresher training on the use of the system and management's expectations of AUSAs in accounting for their time. Additionally, the respective criminal chiefs and violent crime section supervisors maintain statistics on each Indian Country AUSA's total number of files opened, number of cases and defendants charged, number of pleas, sentencing, trials, declinations and appeals achieved month-by-month. Management uses these statistics as a factor in performance evaluations, and as a benchmark to monitor and provide

feedback to AUSAs on their performance as an absolute and within the Indian Country groups.

### **IX. Continuous System Review**

This District has dedicated considerable resources to improving public safety in Indian Country, including many of the best prosecutors in the District and considerable management attention. It has created and clearly communicated its expectation that time or effort will not stand in the way of achieving quality results, either in the Indian Country prosecutions undertaken, or in the assistance provided to tribes. To preserve these investments, the District's Operations Plan requires a program of constant review of all systems and procedures within the office that affect our provision of services to Indian Country, as well as the procedures of other federal agencies that bear on our work product. This review program, coupled with a proactive, aggressive practice of requesting changes in sister agency practices when we determine those changes will advance our mutual mission, already has resulted in significant improvements to public safety in Arizona Indian Country. As an example, the USAO determined that federal investigator staffing on a single reservation had decreased to zero, and therefore no Major Crimes matters were being investigated or referred to the Office for prosecution over a multi-month period. After identifying the issue through our review process, the Office contacted the Directors of both BIA and FBI and pointed out the agent shortage and the danger to public safety it represented, and requested adequate staffing to eliminate the case backlog on the reservation and provide for ongoing coverage of emerging matters. The U.S. Attorney's [letter to BIA](#) resulted in a reassignment of eight agents on short term detail to erase the case backlog, and the permanent staffing of four BIA agents to the reservation thereafter.

The above example is provided as a model. It should remind AUSAs to continuously seek to identify systemic hurdles to providing service in Indian Country, and then to identify solutions and pursue them vigorously. Our approach will also be to listen first to tribal officials in this task, as that is where so many of the most useful ideas have come from.