

# District of Nevada Informational Resource Guide for Tribal Matters



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District of Nevada

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### **Introduction**

From his first days in office, President Barack Obama has shown his commitment to strengthening tribal nations, and Attorney General Eric Holder has led by actively supporting our work on behalf of tribal nations. Over the last five years, President Obama and Attorney General Holder have been unmistakable and unwavering in making Indian country issues in general – and tribal sovereignty in particular – a high, Administration priority, consistent with our desires to see all tribes thrive as prosperous, vibrant and safe communities.

Part of this commitment has been in taking steps to ensure that commitment to Indian Country is institutionalized. To that end, early in this Administration, Attorney General Holder launched a Department-wide initiative to enhance public safety in Indian Country. He knew that to be effective in this area, we would need sustained focus. Since that time significant progress has been made to fulfill the Attorney General's vision of working with American Indian and Alaska Native Tribes to build safe and healthy communities. I know we still have a ways to go, but I can say the Department of Justice and our sister federal agencies are dedicated to truly fulfilling our trust responsibilities to Indian nations, and in building partnerships with tribal governments so that together we can improve the lives of American Indian and Alaska Native people.

It is vitally important to institutionalize the Department's commitment to continued progress in this area. We have now passed the three year anniversary of President Obama's signing of the Tribal Law and Order Act of 2010 — a major step in addressing some long term problems on our Native American Tribes and Reservations concerning issues being faced by our tribal communities. Continuing to address public safety concerns remains an objective of the President and the Department of Justice. In the words of President Obama, "The federal government's relationship with tribal governments, its obligations under treaty and law, and our values as a nation require that we do more to improve public safety in tribal communities." The TLOA has helped in achieving that. It has strengthened the relationship between the federal government and tribal governments and has improved our ability to work with tribal communities in the investigation and prosecution of crime.

With the passage of the TLOA and other improvements, making our tribal communities safer has continued to be a department priority. In 2010, the Office of Tribal Justice was established as a permanent, separate component of the Department of Justice. Further, the process for tribes to apply for Justice Department grants has been thoroughly revamped and streamlined resulting in the award of nearly a quarter billion dollars in federal grants to more

than 150 tribal communities in the last couple years. Many Native American Tribes located in Nevada have received such grants and benefited from this grant process. The Tribal Nations Leadership Council has been established, composed of tribal leaders selected by the tribes themselves and charged with advising the Attorney General on issues critical to tribal governments.

Critical to this process was the reauthorization of the Violence Against Women Act. To ensure that tribal governments – police, prosecutors and courts, have a central role in responding to these crimes so that Native women are better protected from violent crime, the Department proposed legislation that was passed in February 2013 to significantly improve the safety of Native American women by recognizing authority to hold perpetrators of domestic violence accountable for their crimes. Research shows the number of domestic violence victims in Indian Country is far too high. Violence against American Indian women occurs at epidemic rates. The rape and assault figures concerning Native women is alarming. This is unacceptable so DOJ proposed and approved reauthorization language to VAWA that addressed this critical public safety issue. Since the landmark VAWA became law some 18 years ago, it has vastly improved our ability to address domestic violence, dating violence, sexual assault, and stalking and has helped countless victims of these crimes get access to needed services. With the reauthorization of this critical law, lawmakers expanded victim access to justice and strengthened law enforcement and prosecutorial tools to seek justice and hold violators accountable.

In Nevada, we will continue pushing these priorities and initiatives with our law enforcement partners. Coordination and working together is key. That coordination and cooperation is all the more critical as we face major challenges dictated by budget cuts resulting from sequestration. With our manning and budget levels being forced down to 1997 levels – despite all our successes, achievements, advancement of programs, record low crime rates and the accelerated growth of the populations and communities we serve, keeping our priorities and initiatives moving forward will be no small task. At our USAO, due to the sequester, budget cuts and the hiring freeze, our attorney work force is down 23.3% and our support staff is down 18% from our allocated levels. That is only our current numbers and should the sequester, budget cuts and the hiring freeze remain in place, those vastly reduced resource numbers are not likely to improve.

That is why working together with our federal, state, tribal and local law enforcement partners will be all the more important and key to our combined success. Our working together and team effort has provided and will continue to provide results. Together, we are working hard to make a difference in our communities and throughout the state of Nevada. But to promote safer and better communities, something to which we all aspire, now more than ever, we need to work together and count on each other for assistance.

This is true concerning Native American issues. This Administration and the Department of Justice remains committed to prioritizing Native American issues and seeking to address public safety concerns. This is work and efforts in which we are dedicated and proud. But as much progress as has been made, there's still much more work to do. As Attorney General Holder has stated – “The public safety challenges we face in Indian Country will not be solved by a single grant or a single piece of legislation. There is no quick fix . . . We need to continue our efforts with federal, state and tribal partners to identify solutions to the challenges we face, and work to implement them.”

So in 2014, we are dedicated to continue addressing issues of critical importance. Seeking answers and solutions. We must do so, as the problems we face – be that homeland security and emergency preparedness, protecting our Native American youth, facing the ongoing threat of drugs, guns, violence and gangs with an additional drug threat that we are starting to get to know all too well - prescription drug abuse - are major and continuing. These are problems that we know we cannot solve alone as a single public servant, a single prosecutor, a single police officer, a single law enforcement agent or agency, or any single entity. However, we do know the power of working together – forming law enforcement and community partnerships to attack these major problems together and find the best solutions together.

We have worked hard in Nevada reaching out to all our Nevada Tribes located throughout the vast State of Nevada – working together attempting to find best solutions. We will continue our efforts to form working relationships and partnerships throughout the State. It is through these partnerships that will work to make a difference in attacking the problems facing not only our Native American youth but also all our communities. In order to make a difference — a real change for the better — making us safer and more secure — we must work together and renew our vigor to attack these problems facing not only our Native American communities but all our communities.

Daniel G. Bogden  
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# JURISDICTION IN INDIAN COUNTRY



## **JURISDICTION IN INDIAN COUNTRY**

Jurisdiction in Indian Country is based upon the unique sovereign relationship between the federal government and Indian tribes. Congress has criminalized certain acts that take place in Indian Country. The United States Attorneys Office intends to prosecute all readily provable felony and misdemeanor cases, arising in Indian Country, that are within the jurisdiction of this office. This section of the manual will provide a general outline concerning Indian Country jurisdiction (non-PL 280 states).

Federal courts have criminal jurisdiction over felony cases arising in Indian Country involving felonies where either the defendant or the victim is an Indian or both the defendant and the victim are Indian. Federal courts also have criminal jurisdiction over misdemeanors where the defendant is a non-Indian. Tribal courts have criminal jurisdiction, with a few exceptions, involving misdemeanors where both the defendant and victim are Indian. State courts have criminal jurisdiction, with a few exceptions, over misdemeanors and felonies where both the defendant and the victim are non-Indian. The chart below is a summary of jurisdictional parameters for prosecution of cases arising from Indian Country.

### **SUMMARY OF FEDERAL, STATE, AND TRIBAL JURISDICTION IN INDIAN COUNTRY**

OFFENDER	VICTIM	JURISDICTION
Indian	Indian	* Federal jurisdiction for felonies (1153 only). * Tribal jurisdiction for misdemeanors.
Indian	Non-Indian	* Federal jurisdiction for felonies (can use assimilated crimes). * Tribal jurisdiction for misdemeanors.
Non-Indian	Indian	* Federal jurisdiction for both felonies and misdemeanors (can use assimilated crimes).
Non-Indian	Non-Indian	* State jurisdiction for both felonies and misdemeanors.
Indian	Victimless Crime	* Primarily tribal jurisdiction. * Federal jurisdiction in some cases.
Non-Indian	Victimless Crime	* Primarily state jurisdiction. * Federal jurisdiction in some cases.

## QUESTIONS TO ASK IN ORDER TO DETERMINE JURISDICTION TO PROSECUTE

Prior to determining criminal jurisdiction for prosecuting a crime that has arisen in Indian Country, several questions must be answered.

First, where did the offense take place? Did the offense take place on an Indian reservation or colony?

Second, is the defendant Indian or non-Indian? Is the victim Indian or non-Indian?

Third, is the crime a misdemeanor or a felony?

Answering these questions will determine which entity has jurisdiction to prosecute the matter. Keep in mind, that at times, more than one entity will have jurisdiction to prosecute. In an event that happens, it is best for all entities, with concurrent jurisdiction to prosecute, to meet and confer in order to decide what the best course of action may be.

## FEDERAL STATUTES RELATING TO INDIAN COUNTRY JURISDICTION

### 1) What is Indian Country?

#### TITLE 18 U.S.C. § 1151. Indian Country Defined

“Except as otherwise provided in sections 1154 and 1156 of this title, the term “Indian country,” as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.”

## 2) Federal Jurisdiction in Indian Country

### TITLE 18 U.S.C. § 1152. Law Governing

“ Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

This section shall not extend to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.”

### TITLE 18 U.S.C. § 1153. Offenses Committed Within Indian Country

“(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnaping, maiming, a felony under chapter 109A, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of this title within the Indian country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

(b) Any offense referred to in subsection (a) of this section that is not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.”

## WHO IS AN INDIAN?

This question is not defined by federal statute and is subject to judicial interpretation. The most common way to answer this question is to determine whether or not an individual is a member of a federally recognized tribe. However, it is important to note, that an individual may be considered to be an Indian even if he/she is not a member of a federally recognized tribe. The Supreme court in United States v. Rogers, 45 U.S. 567 (1846) created a two prong test:

- 1) degree of blood (slight degree is sufficient); and
- 2) whether the person is recognized as an Indian by the tribe or the federal government.

The second prong is outlined in United States v. Bruce, 394 F. 3d 1215, 1224 (9<sup>th</sup> Cir. 2005). Four factors are considered: 1) tribal enrollment; 2) government recognition formally and informally through receipt of assistance reserved only to Indians; 3) enjoyment of the benefits of tribal affiliation; and 4) social recognition as an Indian through residence on a reservation and participation in Indian social life.

**GEOGRAPHICAL MAKEUP OF INDIAN TRIBES IN  
THE DISTRICT OF NEVADA**



## **GEOGRAPHICAL MAKEUP OF INDIAN TRIBES IN THE DISTRICT OF NEVADA**

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The Indian Country program in the District of Nevada includes the prosecution of crimes occurring on Indian reservations and colonies (18 U.S.C. § 1151, *et seq.*) as well as outreach to these communities to maintain an awareness of tribal governance, improvement of law enforcement and community policing.

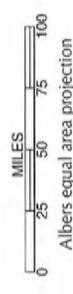
Nevada is a diverse district that is characterized by two densely populated areas (Las Vegas and Reno) and many small geographically isolated rural communities. The Native American communities are dispersed throughout the district, accounting for 26 Tribes (31 reservations and colonies). Many of these Tribes are located in isolated areas throughout the District of Nevada.



**FEDERAL LANDS AND INDIAN RESERVATIONS**

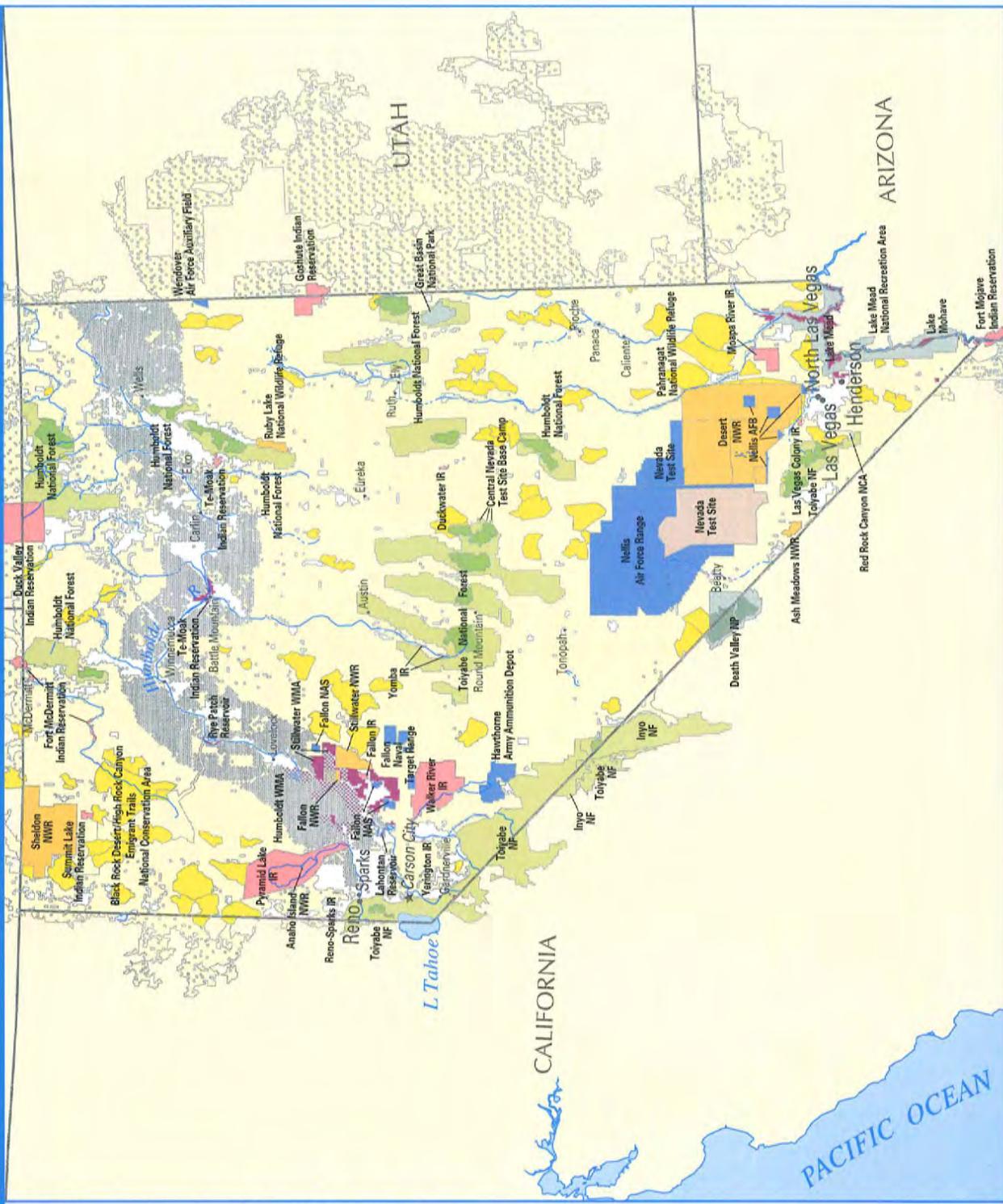
- Bureau of Indian Affairs
- Bureau of Land Management / Wilderness
- Bureau of Reclamation
- Department of Defense (includes Army Corps of Engineers lakes)
- Department of Energy
- Fish and Wildlife Service / Wilderness
- Forest Service / Wilderness
- National Park Service / Wilderness

Some small sites are not shown, especially in urban areas.



**Abbreviations**

- AFB Air Force Base
- IR Indian Reservation
- NAS Naval Air Station
- NCA National Conservation Area
- NF National Forest
- NP National Park
- NWR National Wildlife Refuge
- WMA Wildlife Management Area



## INDIAN RESERVATIONS AND COLONIES IN NEVADA

### **Duck Valley Shoshone-Paiute Tribes (1)**

P.O. Box 219  
Owyhee, Nevada 89832  
Phone: (208) 759-3100  
Fax: (208) 759-3102

### **Duckwater Shoshone Tribe (2)**

P.O. Box 140068  
Duckwater, Nevada 89314  
Phone: (775) 863-0227  
Fax: (775) 863-0301

### **Ely Shoshone Council (3)**

16 Shoshone Circle  
Ely, Nevada 89301  
Phone: (775) 289-3013  
Fax: (775) 289-3156

### **Fallon Paiute-Shoshone Tribes (4,5)**

565 Rio Vista Drive  
Fallon, Nevada 89406  
Phone: (775) 423-6075  
Fax: (775) 423-6202

### **Fort McDermitt Paiute-Shoshone Tribes (6,7)**

P.O. Box 457  
McDermitt, Nevada 89421  
Phone: (775) 532-8259  
Fax: (775) 532-8487

### **Fort Mojave Indian Tribe (8)**

500 Merriman Street  
Needles, California 92363  
Phone: (760) 629-4591  
Fax: (760) 629-5767

### **Goshute Business Council (9)**

P.O. Box 6104  
Ibapah, Utah 84034  
Phone: (435) 234-1138  
Fax: (435) 234-1162

### **Las Vegas Paiute Tribe (10,11)**

1 Paiute Drive  
Las Vegas, Nevada 89106  
Phone: (702) 386-3926  
Fax: (702) 383-4019

### **Lovelock Paiute Tribe (12)**

P.O. Box 878  
Lovelock, Nevada 89419  
Phone: (775) 273-7861  
Fax: (775) 273-1144

### **Moapa Business Council (13)**

P.O. Box 340  
Moapa, Nevada 89025  
Phone: (702) 865-2787  
Fax: (702) 865-2875

### **Pyramid Lake Paiute Tribe (14)**

P.O. Box 256  
Nixon, Nevada 89424  
Phone: (775) 574-1000  
Fax: (775) 574-1008

### **Reno-Sparks Indian Colony (15,16)**

98 Colony Road  
Reno, Nevada 89502  
Phone: (775) 329-2936  
Fax: (775) 329-8710

### **Summit Lake Paiute Tribe (17)**

653 Anderson Street  
Winnemucca, Nevada 89445  
Phone: (775) 623-5151  
Fax: (775) 623-0558

### **Te-Moak Tribal Council**

525 Sunset Street  
Elko, Nevada 89801  
Phone: (775) 738-9251  
Fax: (775) 738-2345

### **Battle Mountain Band Council (18)**

37 Mountain View Drive, Suite C  
Battle Mountain, Nevada 89820  
Phone: (775) 635-2004  
Fax: (775) 635-8016

### **Elko Band Council (19)**

1745 Silver Eagle Drive  
Elko, Nevada 89801  
Phone: (775) 738-8889  
Fax: (775) 753-5439

### **South Fork Band Council (20,21)**

21 Lee, Unit B13  
Spring Creek, Nevada 89815  
Phone: (775) 744-4273  
Fax: (775) 744-4523

### **Wells Band Council (22)**

P.O. Box 809  
Wells, Nevada 89835  
Phone: (775) 752-3045  
Fax: (775) 752-2179

### **Timbisha Shoshone Tribe (23)**

785 North Main Street, Suite Q  
Bishop, California 93514  
Phone: (760) 873-9003  
Fax: (760) 873-9004

### **Walker River Paiute Tribe (24)**

P.O. Box 220  
Schurz, Nevada 89427  
Phone: (775) 773-2306  
Fax: (775) 773-2585

### **Washoe Tribe of Nevada & California**

919 Highway 395 South  
Gardnerville, Nevada 89410  
Phone: (775) 265-4191  
Fax: (775) 265-6240

### **Carson Colony Community Council (25)**

2900 South Curry Street  
Carson City, Nevada 89703  
Phone: (775) 883-6459  
Fax: (775) 883-6467

### **Dresslerville Community Council (26)**

919 Highway 395 South  
Gardnerville, Nevada 89410  
Phone: (775) 265-4191  
Fax: (775) 265-6240

### **Stewart Community Council (27)**

5300 Snyder Avenue  
Carson City, Nevada 89701  
Phone: (775) 883-7794  
Fax: (775) 883-5679

### **Woodfords Community Council (28)**

96 Washoe Boulevard  
Markleeville, California 96120  
Phone: (530) 694-2170

### **Winnemucca Colony Council (29)**

P.O. Box 1370  
Winnemucca, Nevada 89446  
Phone: (775) 623-0885  
Fax: (775) 623-6918

### **Yerington Paiute Tribe (30,31)**

171 Campbell Lane  
Yerington, Nevada 89447  
Phone: (775) 463-3301  
Fax: (775) 463-2416

### **Yomba Tribal Council (32)**

H.C. 61 Box 6275  
Austin, Nevada 89310  
Phone: (775) 964-2463  
Fax: (775) 964-2443

## RELATED ORGANIZATIONS

### **Nevada Indian Commission**

5366 Snyder Avenue  
Carson City, Nevada 89701  
Phone: (775) 687-8333  
Fax: (775) 687-8330

### **Nevada Urban Indians, Inc.**

5301 Longley Way, Suite 178  
Reno, Nevada 89511  
Phone: (775) 788-7600  
Fax: (775) 788-7611

### **Inter-Tribal Council of Nevada**

680 Greenbrae Drive, Suite 280  
Sparks, Nevada 89431  
Phone: (775) 355-0600  
Fax: (775) 355-0648  
<http://itcn.org>

### **Las Vegas Indian Center, Inc.**

2300 West Bonanza Road  
Las Vegas, Nevada 89107  
Phone: (702) 647-5842  
Fax: (702) 647-2647

# INVESTIGATIVE GUIDELINES



## **INVESTIGATIVE GUIDELINES**

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Pursuant to the Memorandum of Understanding between the Department of Interior and the Department of Justice, these guidelines set forth the respective investigative responsibilities of the Federal Bureau of Investigation, Bureau of Indian Affairs, and Tribal Law Enforcement entities. These guidelines are intended to provide for the effective and efficient administration of criminal investigative service in Indian Country. These guidelines govern the investigation of cases arising on reservation lands which involve violations of federal law, including, but not limited to, violations set forth in 18 U.S.C. §§ 1152 and 1153.

The paramount principle to be served by these guidelines is the proper and thorough preparation of cases for prosecution. The goals of these guidelines are to provide for the rights of victims of crime in Indian Country and to identify and prosecute the offenders.

Pursuant to 28 U.S.C. § 533 and direction of the Attorney General, the FBI has investigative jurisdiction on Indian reservations. The BIA's investigative authority derives from the Indian Law Enforcement Reform Act, 25 U.S.C. § 2801, *et seq.*, and extends only to those Tribes requesting assistance.

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
UNITED STATES DEPARTMENT OF INTERIOR  
BUREAU OF INDIAN AFFAIRS  
AND THE  
UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

I. PURPOSE

This Memorandum of Understanding (MOU) is made by and between the United States Department of Interior (DOI) and the Department of Justice (DOJ) pursuant to the Indian Law Enforcement Reform Act (Act), 25 U.S.C. 2801 *et seq.* The purpose of this MOU is to establish guidelines regarding the respective jurisdictions of the Bureau of Indian Affairs (BIA) and the Federal Bureau of Investigation (FBI) in certain investigative matters, and to provide for the effective and efficient administration of criminal investigative service in Indian country.

II. BUREAU OF INDIAN AFFAIRS JURISDICTION

The Act establishes a Branch of Criminal Investigations within the Division of Law Enforcement (DLE) of the BIA, which shall be responsible for providing, or for assisting in the provision of, law enforcement services in Indian country. The responsibilities of the DLE shall include, inter alia, the enforcement of federal law and, with the consent of the Indian tribe, Tribal law; and in cooperation with appropriate federal and Tribal law enforcement agencies, the investigation and presentation for prosecution of cases involving violations of 18 U.S.C. 1152 and 1153 within Indian country (and other federal offenses for which the parties have jurisdiction). In addition, the Act authorizes the Secretary of the Interior to develop interagency agreements with the Attorney General and provides for the promulgation of prosecutorial jurisdictional guidelines by United States Attorneys (USA).

III. FEDERAL BUREAU OF INVESTIGATION JURISDICTION

The FBI derives its investigative jurisdiction in Indian country from 28 U.S.C. 533, pursuant to which the FBI was given investigative responsibility by the Attorney General. Except as provided in 18 U.S.C. 1162(a) and (c), the jurisdiction of the FBI includes, but is not limited to, certain major crimes committed by Indians against the persons or property of Indians and non-Indians, all offenses committed by Indians against the persons or property of non-Indians and all offenses committed by non-Indians against the persons or property of Indians. *See* 18 U.S.C. 1152 and 1153.

#### IV. GENERAL PROVISIONS

1. Each USA whose criminal jurisdiction includes Indian country shall develop local written guidelines outlining responsibilities of the BIA, the FBI, and the Tribal Criminal Investigators, if applicable. Local USA guidelines shall cover 18 U.S.C. 1152 and 1153 offenses and other federal offenses within the investigative jurisdiction of the parties to this MOU.
2. Any other agreements that the DOI, DOJ, and Indian Tribes may enter into with or without reimbursement of personnel or facilities of another federal, Tribal, state, or other government agency to aid in the enforcement of criminal laws of the United States shall be in accord with this MOU and applicable federal laws and regulations.
3. The Secretary will ensure that law enforcement personnel of the BIA receive adequate training, with particular attention to report writing, interviewing techniques and witnesses statements, search and seizure techniques and preservation of evidence and the crime scene. Successful completion of the basic Criminal Investigator course provided by the Department of the Treasury at the Federal Law Enforcement Training Center or its equivalent shall constitute the minimum standard of acceptable training. The BIA may consult with the FBI and other training sources with respect to such additional specialized training as may be desirable. United States Attorneys may also require, and participate in, training at the field level.
4. Any contracts awarded under the Indian Self-Determination Act to perform the function of the BIA, Branch of Criminal Investigators, must comply with all standards applicable to the Branch of Criminal Investigators, including the following:
  - a. Local USA guidelines must be followed.
  - b. Criminal Investigators must be certified Peace Officers and must have satisfactorily completed the basic Criminal Investigator course provided by the Department of Treasury at the Federal Law Enforcement Training Center, or an equivalent course approved by the Commissioner of Indian Affairs. Criminal Investigators will receive a minimum of 40 hours in-service training annually to keep abreast of developments in the field of criminal investigations.
  - c. Compensation for Criminal Investigators must be comparable to that of BIA Criminal Investigators.
  - d. Criminal Investigators must be United States citizens.

- e. Criminal Investigators must possess a high school diploma or its equivalent.
- f. No Criminal Investigator shall have been convicted of a felony offense or crime involving moral turpitude.
- g. Criminal Investigators must have documentation of semi-annual weapons qualifications.
- h. Criminal Investigators must be free from physical, emotional, or mental conditions which might adversely affect their performance as law enforcement officers.
- i. Criminal Investigators must be certified by Tribal officials as having passed a comprehensive background investigation, including unannounced drug testing. Such examinations must be documented and available for inspection by the BIA.
- j. Appropriate procedures shall be devised to provide adequate supervision of Criminal Investigators by qualified supervisory personnel to ensure that investigative tasks are properly completed.
- k. When a tribe is awarded a contract under the Indian Self-Determination Act, 25 U.S.C. 450(a), there must be a "phase-in" period of not less than 180 days so as to ensure an orderly transition from one law enforcement agency to another. When a Tribe retrocedes its contract for the Criminal Investigator function, there must be a one-year time period from the date of request for retrocession, or a date mutually agreed upon by the BIA and the Tribe, for the BIA to prepare for reassuming the Criminal Investigation responsibility. All case files, evidence, and related material and documents associated with active and closed investigations must be turned over to the receiving criminal investigative agency, whether it be the BIA or a Tribe.
- l. Appropriate procedures shall be established with respect to the storage, transportation and destruction of, and access to, case files, evidence, and related documents and other material, with particular attention directed to the confidentiality requirements of 18 U.S.C. 3509(d) and Rule 6(e) of the Federal Rules of Criminal Procedure. Criminal Investigators shall follow these procedures at all times. Access to such material will be for official use only.
- m. Before any Tribe contracts for the Criminal Investigator function, the BIA and the Tribe must ensure that there is sufficient funding to cover the costs of a Criminal Investigator program including salary, equipment, travel,

training, and other related expenses arising during both the investigation stage and the litigation stage of any case or matter covered by the contract.

- n. Tribal contractors must agree, and the BIA shall ensure, that there is an audit and evaluation of the overall contracted Criminal Investigator program at least every two years. Continuation of the contract shall be contingent upon successful completion of each audit and evaluation.
  - o. Criminal Investigators are prohibited from striking, walking off the job, feigning illness, or otherwise taking any job action that would adversely affect their responsibility and obligation to provide law enforcement services in their capacity as Criminal Investigators.
5. Any individual who is a holder of a BIA Deputy Special Officer Commission and performing duties as a Criminal Investigator must comply with the standards applicable to Criminal Investigators set forth in the preceding paragraph.
  6. When either the FBI or the BIA receives information indicating a violation of law falling within the investigative jurisdiction of the other agency, the agency receiving the information will notify the other agency. If either the FBI or the BIA declines to investigate a matter within the jurisdiction of both agencies, the other agency will be notified. The FBI and the BIA will attempt to resolve jurisdictional disputes at the field level. In the event the dispute cannot be resolved, it will be reviewed by each agency's respective headquarters for resolution.
  7. With respect to the use of sensitive investigative techniques, such as the nonconsensual interception of wire, oral or electronic communications and undercover operations involving any sensitive circumstance (as defined in the Attorney General's Guidelines for FBI Undercover Operations), and the investigation of organized crime matters, the FBI shall be the agency primarily responsible. Undercover operations involving sensitive circumstances shall be conducted in accordance with the Attorney General's for FBI Undercover Operations. This paragraph is not intended to prohibit the BIA from conducting consensual eavesdropping or undercover operations not involving a sensitive circumstance or utilizing other nonsensitive investigative techniques after proper training and when authorized by the appropriate United States Attorney.
  8. Nothing in this MOU is intended to change any existing cooperative relationships and responsibilities between the BIA and FBI, and nothing in this MOU shall invalidate or diminish any law enforcement authority or responsibility of either agency.
  9. Consistent with the availability of resources, the FBI will offer specialized training to the BIA.

10. Consistent with limitations regarding confidentiality, the requirements of the Privacy Act and any other applicable laws, and respective policies and procedures, the BIA and the FBI will cooperate on investigative matters of mutual interest, exchange intelligence, and investigative reports, as appropriate.
11. To the extent possible and in consideration of limited resources, the FBI will continue to assist the BIA in its investigative matters by providing investigative support services through the Identification Division, Training Division, Criminal Investigative Division and Laboratory Division.

This document constitutes the full and complete agreement between the BIA and the FBI. Modifications to this MOU will have no force and effect unless and until such modifications are reduced to writing and signed by an authorized representative of the parties thereto. This MOU will, at regular intervals, be subjected to a thorough review to determine if changes are appropriate.

The provisions set forth in this MOU are solely for the purpose of internal guidance of components of the Department of the Interior and the Department of Justice. This MOU does not, is not intended to, shall not be construed to, and may not be relied upon to, create any substantive or procedural rights enforceable at law by any party in any matter, civil, or criminal. This MOU does not, is not intended to, and shall not be construed to, exclude, supplant or limit otherwise lawful activities of the Department of Interior or the Department of Justice.

By subscription of their signature below, the parties acknowledge that they have read, understand, and will abide by the foregoing statements.

Bruce Babbitt  
Secretary  
United States Department of Interior  
September 3, 1993

Janet Reno  
Attorney General  
United States Department of Justice  
November 22, 1993

# PROSECUTION IN FEDERAL COURT



## **PROSECUTION IN FEDERAL COURT**

If a federal law enforcement agency wishes to have a case prosecuted in federal court, the lead federal investigative agency should prepare a complete investigative report and submit it to the United States Attorney's Office. Within 24 hours, the case will be assigned to an Assistant United States Attorney (AUSA) in the office and the lead federal law enforcement agency will receive a letter informing them of the AUSA who has been assigned to the matter.

If the assigned AUSA determines that a case is not viable for prosecution, the AUSA will draft a letter declining that matter. The letter will explain the reason for the declination. The declination letter is then reviewed by the assigned AUSA's supervisor prior to being sent to the lead agency. The United States Attorney's Office does not decline cases orally and will only decline a case based on a written request for prosecution.

The lead agency will be responsible for conducting the investigation, presenting the case to the United States Attorney's Office and assisting the AUSA assigned to the case through all stages of the case. The majority of the Indian Country cases submitted for prosecution in the District of Nevada consist of joint investigations by multiple agencies. Such investigations are encouraged, but not required. However, only one agency will be considered the lead agency.

It is the duty of the lead agency to inform the other investigative agencies of the status of the case. Once the case is concluded, whether by a plea of guilty or a jury trial, the United States Attorney's Office will notify the lead agency of the final results. It will be the duty of the lead agency to inform the other investigative agencies of the final outcome of the case.

Furthermore, the progress and final results of all charged Indian Country cases are reported in the *Native American Network* several times a year. The *Native American Network* is a publication that the United States Attorney's office in the District of Nevada sends out several times a year. The *Native American Network* serves several purposes, but mainly serves as a community outreach tool. The publication notifies the Tribes of upcoming events, including the statewide Native American Conference, various grants, and it also provides a summary and update for all Indian Country cases that have been charged in the District of Nevada. The "case tracking method," through the *Native American Network*, allows all Tribal

officials and members to view the progress and eventual outcome of Indian Country cases charged in the District of Nevada.

# JUVENILES



## **JUVENILES**

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### Who is a Juvenile?

The federal juvenile statutes at 18 U.S.C. § 5031, *et seq.*, apply to any offense committed before the defendant's eighteenth birthday, as long as the defendant is still under twenty-one at the time of the proceedings. 18 U.S.C. § 5031. We, therefore, use the term "juvenile" to refer to any defendant under twenty-one who committed a federal offense before his or her eighteenth birthday

### The Nature of Federal Juvenile Proceedings

When the United States charges a juvenile in federal court, the proceeding is ordinarily a juvenile delinquency proceeding rather than a criminal prosecution. In such a proceeding, where the defendant is found to have committed the offense charged, the result is a status adjudication of the defendant as a juvenile delinquent rather than a criminal conviction. The primary intent of the proceeding is rehabilitative rather than punitive. The juvenile statutes contain significant limitations, which are set forth in 18 U.S.C. § 5038, on the disclosure of information concerning a juvenile proceeding and the identity of the juvenile defendant.

### When to Proceed in Federal Court

Federal jurisdiction may be established: (1) where the appropriate state court does not have jurisdiction or refuses to assume jurisdiction; (2) where the state does not have available programs and services adequate for the needs of juveniles; or (3) where the offense charged is a felony that is a crime of violence, a violation of 18 U.S.C. §922(x), or one of certain drug offenses enumerated in the first paragraph of 18 U.S.C. § 5032 and there is a substantial federal interest in the case.

The federal statute requires that, in order to proceed against a juvenile in federal court, the Attorney General must certify, after investigation, that one or more of the enumerated statutory bases for federal jurisdiction exists. The Attorney General's authority to make this certification has been delegated to the United States Attorney.

### When Juveniles Can Be Tried as Adults

The federal juvenile statutes do provide for juveniles to be tried as adults under certain circumstances. Among other things, the juvenile must be charged with a felony that is a crime of violence or one of certain drug offenses enumerated in the fourth paragraph of 18 U.S.C. § 5032. The United States Attorney may give such authorization.

In addition to the provisions for involuntary transfer for adult prosecution, the juvenile statutes provide that a juvenile may be tried as an adult if he or she so requests in writing, upon the advice of counsel.

### How to Proceed in Federal Court

A juvenile delinquency proceeding is initiated by the filing of an information by the United States. 18 U.S.C. § 5032. A certification from the United States Attorney pursuant to 18 U.S.C. § 5032 as to the grounds for federal jurisdiction must also be filed.

Any prior juvenile court records of the defendant must be obtained and provided to the court if at all possible. In the alternative, the clerk of the juvenile court must certify in writing that the juvenile has no prior record or that the record is unavailable and why. 18 U.S.C. § 5032 (tenth paragraph).

The juvenile delinquency proceeding itself proceeds essentially like a bench trial. Where detention may follow the proceeding, juveniles have been held to have constitutional rights under the due process clause to adequate notice, to the assistance of counsel, to the privilege against self-incrimination, and to cross-examine adverse witnesses. The Federal Rules of Evidence appear to apply to juvenile delinquency proceedings. *See* Federal Rule of Evidence 1101.

The entire proceeding is subject to the limitations set forth in 18 U.S.C. §5038 on disclosure of the identity of the juvenile defendant and information about the juvenile proceedings. The usual methods of complying with these limitations include filing documents in the case under seal, using the juveniles initials or "John Doe" to describe the teenager in any pleadings, and conducting proceedings in a closed courtroom or in the judge's chambers.

### Disposition

Upon an adjudication of delinquency, the judge has discretion to impose any of the conditions listed in 18 U.S.C. § 5037. These include restitution, probation (and conditions of probation), and official detention, but not fines.

Official detention may not extend beyond the defendant's twenty-first birthday for defendants under eighteen at the time of disposition, or five years for defendant between the ages of eighteen and twenty-one at the time of disposition. In addition, the period of detention may not exceed the maximum period of imprisonment authorized had the defendant been an adult. 18 U.S.C. § 5037. If a state law crime is involved, as is the case in Major Crimes Act cases that incorporate state law crimes, such as burglary, any minimums and the statutory maximum established by state law apply to the federal proceeding. Pierre Y., 280 F.3d 1008 (9<sup>th</sup> Cir. 2002).

Juveniles sentenced to official detention are committed to the custody of the Attorney General. The Federal Bureau of Prisons designates a place of confinement. Juveniles may not be placed in an institution in which they have "regular contact" with adults convicted of crimes or awaiting trial on criminal charges. 18 U.S.C. § 5039.

### Arrest of a Juvenile

A juvenile may be arrested on a warrant issued on either a complaint or a juvenile information. Where arrest is not needed, the court may be asked to issue a summons on the complaint or information. In either case, it is important to have the complaint and/or information placed under seal to avoid public disclosure of the juvenile's identity.

By statute, the officer arresting a juvenile is required to advise a juvenile of his/her rights, and must immediately notify the Attorney General (notice to the United States Attorney is sufficient) and the juvenile's parents, guardian, or custodian of such custody. 18 U.S.C. § 5033. The arresting officer is also required to notify the parent, guardian, or custodian of the rights of the juvenile and of the nature of the alleged offense. *Id.* The juvenile must be taken before a magistrate as soon as possible and within a reasonable period of time. *Id.* The duties of the magistrate at that time are set forth in 18 U.S.C. § 5034.

If a juvenile is to be interrogated, prior to the interrogation, parents must be notified of the juvenile's Miranda rights. United States v. Wendy G., 255 F.3d 761, 762 (9<sup>th</sup> Cir. 2001). If parents ask for an opportunity to advise and counsel their child, the request cannot be unreasonably denied. *Id.* It is an affirmative obligation placed upon the law enforcement officers to advise the parents that they will be given an opportunity to communicate with their child prior to any questioning. *Id.*

The federal juvenile statutes provide for fingerprinting and photographing of juveniles only after a finding of guilt of certain types of drug and violent offenses. *See* 18 U.S.C. § 5038(d). Routine booking photographs and fingerprints should, therefore, not be taken upon arrest of a juvenile. In addition, unless a juvenile is prosecuted as an adult, neither the name nor picture may be made public in connection with the proceeding. This restriction must be observed regarding press releases.

#### Detention Pending Trial

The juvenile statutes provide for release of a juvenile pending trial to his/her parents, guardian, custodian, or other responsible individual unless the magistrate determines, after a hearing at which the juvenile is represented by counsel, that detention is required to secure the juvenile's timely appearance before the appropriate court or to insure the safety of the juvenile or that of others. 18 U.S.C. § 5036. If the juvenile is detained, he has to be tried within thirty days, otherwise the charge is dismissed, usually with prejudice.

# SERVICES TO CRIME VICTIMS



## **SERVICES TO CRIME VICTIMS**

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On October 30, 2004, the President signed into law the Justice for All Act of 2004 (18 U.S.C. § 3771). The Act establishes the rights of crime victims in federal criminal proceedings and provides mechanisms to enforce those rights.

Section 3771(a) provides crime victims with the following rights:

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

Section 3771(c)(1) requires that officers and employees of the Department of Justice and other federal departments and agencies engaged in investigative and

prosecutorial work “make their best efforts” to (1) ensure notification of victims of these rights and (2) ensure victims are accorded these rights.

The FBI has a Victim-Witness Specialist who works with victims in the period before a charging decision is made and the U.S. Attorney’s Office has Victim-Witness Specialists who communicate with victims after cases have been charged.

When there are Victim/Witness specialists from multiple agencies, they all work together to ensure that the victims and witnesses receive the best service possible. The Victim/Witness Specialists in the District of Nevada are prepared to locate interpreters for Native American victims or witnesses who primarily speak their native language. They are also prepared to and have addressed unique Native American restitution needs such as giveaway ceremonies and the desire of some Native American victims to use traditional or culturally specific remedies. For the most part, this has been accomplished through the assigned Assistant United States Attorney recommending restitution for such unique requests at the time of sentencing.

### Victim/Witness and Loss Information

Victim Notification System Brochure

Right to be Heard Brochure

Restitution Brochure

Information and Assistance for Federal Crime Victims Brochure

Federal Domestic Violence Laws Brochure

Victims of Violent Crimes Brochure

Information Regarding Your Victim Impact Statement

Victim Impact Statement Form

Victim Resources

# The Department of Justice Victim Notification System



## A Service Provided by:

- The Federal Bureau of Investigation,
- The United States Attorneys' Offices,
- The Federal Bureau of Prisons, and
- The Office for Victims of Crime

## In Cooperation with:

- The United States Postal Inspection Service

1-866-DOJ-4YOU - (1-866-365-4968)  
 International Callers: 1-502-213-2767  
<http://www.Notify.USDOJ.Gov>

Overview - VNS Information		
Information - Activity	Internet	Call Center
Investigative Status (Under Investigation or Prosecution Declined)	✓	✓
Filing of Criminal Charges, Outcome of the Charges and Sentencing data	✓	✓
Future & Past Court Hearings	✓	✓
BOP Custody Status & location, projected release date	✓	✓
Other available information	✓	
Links to other Internet Web resources	✓	
Update address, email, telephone number	✓	✓
Opt out from access to VNS, including the Internet & Call Center	✓	✓

## 9. Must I receive notification?

If you do not wish to receive notification you may contact: (1) the VNS Call Center (1-866-365-4968, provide your VNS VIN & PIN. Select "Opt Out" option); (2) access the VNS Web site and select the "Stop Receiving Notifications" link; (3) the person indicated on your initial notification letter; or (4) the Victim-Witness Staff at your local U.S. Attorney's Office.

## 5. What information is available on the VNS Internet Web site?

The information available will include:

- Case Activities Detail** - information about events in your case.
- Downloads/Links** - supplemental information about your case.
- My Information** - allows you to view and/or update your mailing address, phone number, and email address.
- Stop Receiving Notifications** - allows you to stop receiving further notifications. You can later re-enroll using your VIN and VNS Login ID.

## 6. How often is information on the Internet updated?

The VNS Web site is updated daily, Monday through Friday.

## 7. Does the Victim Notification System ensure my safety?

No. Do not depend on VNS to ensure your safety. If you feel that you are being threatened, immediately notify law enforcement.

## 8. What should I do if my contact information changes?

If your address, email or phone number changes, you should update your contact information using one of the following methods: (1) VNS on the Internet\* (<http://www.Notify.USDOJ.gov>); (2) VNS Call Center\* (1-866-365-4968) (\* You will need your VNS VIN & PIN/Web Login ID); (3) the person indicated on your initial notification letter, or; (4) the Victim-Witness Staff at your local U.S. Attorney's Office.

## INFORMATION CARD

Victim Identification Number (VIN)

Personal Identification Number (PIN)

VNS Internet Login Identification

Agency Contact Name and Phone Number

DOJ - USA-260  
 USPIS - PSN7610-07-000-1290  
 June 2007

## Introduction

The Department of Justice and the United States Postal Inspection Service are committed to ensuring that victims of federal crime are treated fairly as their case moves through the criminal justice system.

In order to provide victims with information on case events, the Department of Justice has developed the Victim Notification System (VNS). This brochure provides information about VNS.

## Victim Notification System (VNS)

VNS is a cooperative effort between the Federal Bureau of Investigation (FBI), the United States Postal Inspection Service (USPIS), the United States Attorneys' Offices, and the Federal Bureau of Prisons (BOP).

This free, automated system provides important information to victims. In many cases, you will receive letters generated through VNS containing information about the events pertaining to your case and/or any defendants in the case.

This information is available in English or Spanish on the Internet and through a toll-free telephone number (Call Center). In cases with many victims, you may receive only one letter and then be directed to the Internet or Call Center for further information.

## VNS Information

### Registration:

You will receive a Victim Identification Number (VIN) and a Personal Identification Number (PIN) that will allow you to access VNS on the Internet and using your telephone. Those numbers are contained on all correspondence and you may also write them on the attached tear-off card to keep with you.

If you have chosen to participate in VNS, but have not received these numbers, please contact either the FBI, the USPIS, or U.S. Attorney's Office handling your case.

Your VIN and PIN numbers are both required any time you contact the Call Center or when accessing VNS on the Internet.

### VNS Internet Access:

- You may access information about the case via the Internet at: <http://www.Notify.USDOJ.Gov>. You will be required to enter your VIN and your PIN.
- The Web site, in some instances, may provide additional information that is not available through the Call Center.

(Refer to Common Questions, numbers 4, 5 & 6 below, for more information regarding the Internet.)

### The VNS Call Center:

You may call 1-866-DOJ-4YOU (1-866-365-4968) for current information. You will be required to enter your VIN and your PIN.

By following the prompts, VNS will provide custody information and notice of future court events.

The Call Center will include options to hear:

**Upcoming Events** - information on future court hearings

**Historical Court Events** - information on past court hearings

### Information on Each Defendant -

information regarding criminal charges filed, the outcome of the charges, and the sentence imposed by the Court; if the defendant is in the custody of BOP, the custody location, projected date of release from custody and other release information. For more detailed information, contact the responsible agency representative.

### VNS Notification:

You may also receive information about case events by letter, email, or fax. Please note that in some rare instances, VNS may contact you by phone which will require use of your PIN. See question #3.

Not all relevant information regarding a case will be contained within VNS. Changes, especially with court events, can occur on very short notice. If you are planning on attending a scheduled event or you need additional information, you may always contact the respective agency staff for assistance.

## Common Questions

Below are some common questions about VNS. If at any time you have a question about VNS that is not answered here, please feel free to contact your local FBI, USPIS, or U.S. Attorney's Office.

### 1. When can I call the VNS Call Center or access VNS on the Internet?

(Eastern Time)  
Monday - Friday 6:00 a.m. - 3:00 a.m.  
Saturday 6:00 a.m. - 12:00 a.m.  
Sunday 8:00 a.m. - 12:00 a.m.  
1-866-DOJ-4YOU - (1-866-365-4968)

International Callers:  
1-502-213-2767

<http://www.Notify.USDOJ.Gov>

You must keep your contact information current (see Common Questions number 8). If an agency is unable to contact you due to outdated contact information, you will be removed from the notification program.

### 2. What if I forget my PIN?

Each VNS notification will restate your VIN & PIN. If you do not have this correspondence, please contact the agency (FBI/USPIS/U.S. Attorney's Office) involved with your case.

### 3. What if I am not at home or my phone is busy when VNS calls?

While this is unusual, the Call Center will continue calling you every 30 minutes. If the call is answered, but is not confirmed with your PIN number, VNS will continue to call every two (2) hours.

## Victim Notification System

### 4. How do I access the VNS Internet site?

- Enter <http://www.Notify.USDOJ.Gov> in your Web browser.
- If you are a new user, click "First Time Users Click Here".
  - Enter your VIN.
  - Enter your PIN.
  - Complete the remaining information as requested on the Web site to include creating a new VNS Login ID.
- Your VNS Login ID must be used in conjunction with your VIN during any subsequent access of the VNS Web site.

## Make It Meaningful

Your right to be heard is a very important right and one which deserves serious consideration. Defendants have a right to make any statements they deem appropriate to the Judge prior to the imposition of the sentence. This may include a plea for

leniency, an explanation as to what led to their actions or how they have changed since the crime. The defendant's attorney may also make persuasive remarks regarding sentencing. When you exercise your right to be heard

at sentencing, this is an opportunity for the Judge to see the other side of the story and provides for some balance in the sentencing process. Many victims find this to be a very helpful experience. While we can't tell you what to say, please feel free to contact the Victim-Witness Staff to ask any questions.

## OTHER OPTIONS:

*Not everyone is comfortable with speaking in front of people, especially about something very personal and in front of the defendant. Travel and time restraints may also make it difficult for you to come and tell your story live in court. You still have the option of writing an impact letter or statement. This is another way for you to let the judge know what your concerns are and the affect of the crime on you. In most circumstances, this statement will be provided to counsel for the defendant and can become part of the permanent record. While we cannot write your statement for you, our office will assist you and help answer questions.*

## NEED HELP?

There are things that the Victim-Witness Staff can do to make this process a little easier for you. If you have never been in a courtroom before, it may be helpful for you to see the room you will be in and the surroundings, as well as who will be present at the sentencing, explained to you. This can be especially helpful for a young victim. If you need other assistance to make your appearance possible, contact the Victim-Witness Staff below for assistance.

## Exercising Your Right To Be Heard

UNITED STATES  
ATTORNEY'S OFFICE

District of Nevada



UNITED STATES ATTORNEY'S OFFICE

Debra Waite, Victim Witness Coordinator  
Jaye Willis, Victim Witness Specialist  
District of Nevada  
333 Las Vegas Blvd. South, Ste 5000  
Las Vegas, NV 89101

Phone: (702) 388-6336  
(800) 539-8002  
Fax: (702) 388-6418

DEPARTMENT OF JUSTICE

## The Impact of The Crime

The impact of a crime is different for every victim and for every crime. How it affects you and those around you is also unique. Your concerns about how the case proceeds and about the custodial status of the defendant are also going to vary depending on the circumstances surrounding your victimization. Under federal law, you have the right to be reasonably heard at any public proceedings involving release, plea or sentencing.

Your purpose for addressing the Court at these different proceedings may vary, but there are certain tips that generally apply. We most commonly see victims exercising their right to be heard during sentencing, but should you choose to participate in this manner at a release or plea hearing, you may want to contact the Victim-Witness Staff and find out more information on how those hearings proceed.



## Addressing the Court

Whenever you are addressing the Court, it is important for you to remember that this is a statement to the Court. The enclosed tips are here to help you formulate your thoughts prior to addressing the Court.

## Tips for Addressing the Court

- **Let someone in the prosecuting office know of your desire to speak.** They can make this process much easier for you and can make sure that the Court knows of your desire to speak.
- **Prepare what you want to say in advance.** Take some time to think about what you want to say. You can write your statement out ahead of time and read it or make notes on points you want to cover. Do what makes you most comfortable.

- **Make your comments to the point and speak clearly into the microphone.**

- **Speak in your own words.** Your statement should accurately reflect the impact of the crime on you.

- **You are addressing the Judge, not the defendant.** You should keep your eyes towards the bench and your comments should not be directed toward the defendant.

- **A brief statement about your financial losses may be beneficial to the Court.**

- **Inform the Court of any concerns you may have about your safety or retaliation.**

- **Your behavior should be appropriate to the seriousness of the proceedings.**

- **Feel free to bring a friend or family member for support.**

- **There is no dress code.** However, most people will wear a suit, dress or dress slacks. Generally, people do not wear jeans.

- **Your statements are being recorded and are part of the permanent record.** There may be others, including media, in the courtroom.

- **Do not exaggerate and always tell the truth.**

## Questions to Consider

- The Court is interested in hearing how the crime has affected you. What are the emotional impact and physical affects of the crime? Has it affected your ability to work or to do other normal daily activities?
- How has the criminal act impacted your future, your dreams and your relationships?
- If you are speaking on behalf of a child, how has this crime changed the child's relationship with family and friends? How has it affected school performance?
- Are you or your loved ones experiencing nightmares or other symptoms of emotional stress? Have you been or will you continue to be under the care of a medical professional for treatment? If so, what kind of treatment and for how long?

Common Emotional and Physical Aspects Resulting from Financial Victimization

More often than not, a victim of financial fraud, investment scam, or embezzlement will experience many emotions. A crime victim often experiences anger due to the betrayal of someone or some thing they put their trust and judgement in, along with their lost finances. Victims often feel frustration as a common response to their financial loss. Additional experiences a victim may have include :

- ◆ Guilt for not being more skeptical of the concept or promises of the investment
- ◆ Disbelief that they were drawn into and fooled by such a sham
- ◆ Difficulty accepting the fact that their financial loss has radically changed their life plan, especially when they are retired and their life plans have been dramatically altered
- ◆ Health problems related to stress, such as insomnia, inability to eat or concentrate, develop low self-esteem or depression

Over time, many crime victims work through these difficulties on their own, or seek outside resources or counseling for assistance.

**OTHER OPTIONS:**

A victim may also choose to request the U. S. Clerk of the Court to issue an Abstract of Judgment certifying that a judgment has been entered in a victim's favor in the amount specified in the Judgment. A victim may then file this with the Recorder's Office for any county in which it is believed the defendant had assets, in the state in which a defendant was convicted in federal court. Upon its recording, the Abstract of Judgment becomes a lien upon the property of the defendant in that county/state in the same manner as a state court judgment. Victims should consult with a private attorney for specific information on this option.

**NEED HELP?**

As a federal crime victim, if you have any question or need assistance, please do not hesitate to contact the U.S. Attorney's Office, at (800) 539-8002 regarding your case.

**UNITED STATES ATTORNEY'S OFFICE**

Debra Waite, Victim Witness Coordinator  
Jaye Willis, Victim Witness Specialist  
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# The Realities of Restitution for Victims of Federal Crimes

UNITED STATES  
ATTORNEY'S OFFICE

District of Nevada



A federal crime victim is "a person directly or proximately harmed as a result of the commission of a federal offense, or an offense within the District of Columbia 18 U.S.C. § 3771(e).

DEPARTMENT OF JUSTICE

Most crime victims are very concerned about how they can recover from their financial loss suffered as a result of a crime. This information is provided to you by the U.S. Attorney's Office for the District of Nevada. The following is meant to provide a brief overview for federal crime victims and restitution ordered by the court, the legal process involved, and the realities of actually receiving full restitution.

The Justice for All Act of 2004 provides that "identified" federal crime victims are entitled to full and timely restitution as provided by law for certain losses suffered as a result of the commission of an offense as part of the criminal sentence imposed on the defendant, or as part of a plea agreement. Federal crime victims may be either individuals, businesses, or corporations.

#### Ordering vs. Receiving Restitution

Under federal law, it is mandatory for a defendant to pay restitution when there is a loss to the victim. Unfortunately, as a practical matter, a defendant who has no money or potential to make money in the future, may be unlikely to ever make meaningful restitution to the victims of a crime.

Court-ordered restitution is limited to specific losses and may not allow any monetary compensation for a victim's pain and suffering.

#### Physical Injury as a Result of the Crime

For an offense resulting in physical injury to a victim, the court may order payment equal to the cost of necessary medical and related professional services which include physical, psychiatric, and psychological care. Payment equal to the cost of necessary occupational therapy, rehabilitation, or loss of income as a direct result of the crime may be considered within the court ordered restitution to a victim.

#### Restitution for Financial Loss

In most fraud cases, restitution may be ordered where victims of the convicted federal offense have suffered the loss of money, in such crimes as investor fraud, mortgage fraud, telemarketing scams, or offenses involving the misuse of bank accounts or credit cards. The court may order a defendant to pay an amount equal to each victim's actual loss, which is commonly the value of the principle or property which was fraudulently obtained.

#### How Does a Victim Receive Restitution?

The U. S. Attorney's Office, Financial Litigation Unit (FLU) is charged with enforcing orders of restitution, and monitors efforts in enforcing a Judgment if defendant's assets or income are identified.

The FLU will pursue various means to enforce restitution, as its resources permit, on behalf of identified victims, for a time period of up to 20 years from the filing date of the defendant's Judgment, which includes the time period of the defendant's actual incarceration, or until the death of the defendant. In addition, once a defendant/inmate is released from prison, and is then under the supervision of the U.S. Probation Office, restitution will be monitored to insure appropriate restitution is paid, where possible.

#### Additional Restitution Provisions

An order of restitution is not dischargeable in bankruptcy. It also is not a guarantee that a crime victim will actually receive the money ordered by the court. Under the Act, if an identified victim

discovers further losses after a judgment has been filed, that victim has 60 days after discovery of the losses, to petition the Court for an amended restitution order. This order may be granted only upon a showing of good cause for the failure to include such losses in the initial claim for restitution.

#### Other Available Remedies

Victims of a federal crime may be eligible for state victim compensation, which can often pay for medical and psychological costs, loss of income or support, or funeral expenses related to the crime. Each State has a centralized division within a state agency where crime victims can apply for compensation. In Nevada, for further information about the Crime Victims' Compensation Program, call (702) 486-2740 (for southern Nevada), or (775) 688-2900 (for northern Nevada).

A federal crime victim may wish to file a civil action or file in small claims court against a defendant to recoup losses caused by the crime. The U.S. Attorney's Office cannot provide legal advice or services in that matter, however, the crime victim may choose to consult with a private attorney, or the Small Claims Court in the county in which the crime occurred. There is usually a statute of limitations which limits the time in which a civil suit can be filed.

## IF YOU ARE THREATENED OR HARASSED

If anyone threatens you or you feel that you are being harassed because of your cooperation with this case, there are remedies available. Your safety is paramount. Please contact the investigating agent or the Victim-Witness Program immediately. They may discuss with you additional safety measures and assistance such as temporary restraining orders, possible relocation, or other appropriate referrals.

## OTHER ASSISTANCE & SERVICES

If you are a victim, you are entitled to:

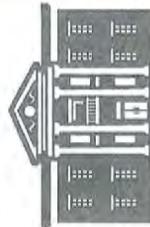


- Notification of case events, usually by letter or E-mail, through the Victim Notification System. If the defendant is convicted and sentenced to the custody of the Bureau of Prisons, notification will continue regarding the defendant's release date, furlough, or escape. **REMINDER: please keep us informed of any address, E-mail, or telephone number changes.**

- Referrals to other agencies or professionals for counseling, shelter, and/or compensation.

If you are a victim or a witness, you are entitled to:

- A separate waiting area away from defendant and defense witnesses.
- Courtroom support.
- Information and assistance with travel, lodging, parking, and reimbursement for mandatory court appearances and pre-trial interviews.



A Federal Courthouse

## LIMITED CONFIDENTIALITY STATEMENT

We are here to assist you as you go through the criminal justice process. However, you should know that we work as part of a team with the criminal prosecutor and the investigative case agent. We do our best to keep sensitive information confidential. As part of the team, there are times when we may need to share information you provide with the other team members. This is especially important if you share information regarding your safety, a medical emergency, information that relates to child abuse, and/or information that is critical to the investigation or prosecution of the case.

## CONTACT INFORMATION

Debra Waite, Victim-Witness Coordinator

Jaye Willis, Victim-Witness Specialist

U.S. Attorney's Office  
333 Las Vegas Blvd. South, Ste 5000  
Las Vegas, Nevada 89101  
(702) 388-6336 or (800) 539-8002  
Fax (702) 388-6418

State Compensation Program  
(702) 486-2740—Southern Nevada  
(775) 688-2900—Northern Nevada

State Crisis Hotline  
(877) 885-4673, (800) 992-5757, or (775) 784-8090  
National Organization for Victim Assistance  
800-TRY-NOVA

National Center for Victims of Crime  
800-FYI-CALL



## INFORMATION AND

## ASSISTANCE

## FOR

## FEDERAL CRIME

## VICTIMS AND WITNESSES



Office of the United States Attorney  
District of Nevada  
Victim-Witness Program

## INFORMATION FOR VICTIMS AND WITNESSES OF FEDERAL CRIME

The following information has been prepared to help answer questions that may arise. We have included information which will give you an understanding of how the Federal criminal justice system works.

The role of the United States Attorney's Office is to prosecute cases fairly and justly. Our actions on your behalf do not constitute an attorney-client relationship and we cannot give you legal advice. The interests of the United States may occasionally diverge from your interests as a victim.

### VICTIMS' RIGHTS

The Crime Victims' Rights Act gives victims of offenses charged in Federal court 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 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 the law.
- The right to proceedings free from unreasonable delay.
- The right to be treated with fairness and with respect for the victim's dignity and privacy.

We will make our best efforts to ensure you are provided the rights described. You may seek the advice of an attorney with respect to these rights. If you believe that an employee of the United States Attorney's Office failed to provide you with one or more of these rights, you may file an administrative complaint, as provided under 28 CFR § 45.10. Please contact the United States Attorney's Office to obtain information about these procedures.

## THE CRIMINAL JUSTICE PROCESS

As the case moves through the Federal court system, there are several events that typically occur.

### INVESTIGATION

#### ARREST

### DETENTION HEARING (POSSIBLE)

The Government is seeking to detain of the defendant and may do so based on the statement of the prosecutor or by presenting witnesses and exhibits.

### PRELIMINARY HEARING

A Judge determines if there is sufficient probable cause to charge the defendant. This only occurs if the defendant has not been charged by the grand jury.

or

### GRAND JURY HEARING

A Grand Jury hears evidence in a non-public proceeding and may issue a formal charge called an Indictment.

An Arrest Warrant may be issued at this time.

### ARRAIGNMENT

A defendant appears in court and hears the charge(s) against him/her. At this time, the defendant typically enters a plea of not guilty.

### DISCOVERY, PLEA NEGOTIATIONS & MOTIONS

This may include hearings & rulings on motions concerning the admissibility of evidence, trial issues, or a possible guilty plea from the defendant.

### TRIAL

The Government presents its case with witnesses, followed by the defendant's case. The trial generally results in a verdict by a jury.

### PRE-SENTENCE INVESTIGATION & REPORT PREPARED

After a finding of guilt, a pre-sentence report is prepared for the judge by U.S. Probation, at which time you have the right to submit written victim impact statements.

### SENTENCE

### APPEAL

## RESTITUTION AND COMPENSATION

### Victim Compensation

The Victim Compensation Program for the State of Nevada helps cover expenses for victims of violent crime who have suffered physical or psychological injury. The Crime Victim Compensation Program may be able to reimburse you for crime related expenses such as medical care, mental health expenses, and lost wages due to crime related injuries. To obtain further information and an application, contact the Victim-Witness Coordinator listed on the back of this brochure.

### Restitution

Under Federal law, restitution is mandatory for many (but not all) types of crimes. It is important for victims, who may be entitled to restitution, to keep a record of their losses, medical expenses, property damage and counseling expenses, with receipts when possible. This information will be needed by the probation department if the defendant is convicted and ordered to pay restitution.

## THE EMOTIONAL IMPACT OF CRIME

Many victims of and witnesses to crime are emotionally affected by their experience and although everyone reacts differently, many people report common reactions such as:

- Anger
- Feelings of panic and/or anxiety
- Nightmares and sleep pattern changes
- Feelings of self-doubt, shame or guilt
- Reliving what happened
- Depression, difficulty concentrating
- Increased concern for personal safety and that of their family

Many people continue to have these responses for some time after the crime. The Victim/Witness Unit can assist you in finding appropriate support services.

## CAN MY CONCERNS BE HEARD IN FEDERAL COURT?

A victim in a VAWA case shall have the right to speak, if desired, to the Judge at a bail hearing to inform the Judge of any danger posed by the release of the defendant. Any victim of a crime of violence shall also have the right to speak, if desired, at the time of sentencing.

### VICTIM'S RIGHTS

A federal domestic violence victim has the following rights under 42 U.S.C. Section 10607:

- The right to be treated with fairness and with respect for the victim's dignity and privacy.
- The right to be reasonably protected from the accused offender.
- The right to be notified of court proceedings.
- The right to be present at all public Court proceedings related to the offense, unless the Court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.
- The right to confer with the attorney for the Government in the case.
- The right to restitution.
- The right to information about the conviction, sentencing, imprisonment and release of the offender.

A federal victim also has the following rights under 18 U.S.C. Section 3771:

- The right to proceedings free from unreasonable delay.
- The right to be heard at any public proceeding in the district court involving release, plea, sentencing, or any parole proceeding.

### HELP IS AVAILABLE

If you are a victim of a domestic violence crime, it is normal to feel scared, helpless and vulnerable. Remember, you are not alone. The following agencies exist to help. Please call.

### NATIONAL ASSISTANCE

Domestic Violence Hotline  
1-800-799-SAFE

National Coalition Against Domestic Violence  
1-303-839-1852

National Victim Center  
1-800-FYI-CALL

National Organization for Victim Assistance  
1-800-TRY-NOVA

### LOCAL ASSISTANCE

Police Department

Sheriff's Department

Alcohol, Tobacco and Firearms (ATF)  
(702) 387-4600 or (775) 784-5251

Federal Bureau of Investigation (FBI)  
(702) 385-1281 or (775) 882-1248

Domestic Violence Project  
(702) 229-2525

# FEDERAL DOMESTIC VIOLENCE LAWS



Office of the United States Attorney  
District of Nevada

Debra Waite  
Victim Witness Coordinator  
(702) 388-6218  
1-800-539-8002  
Fax: (702) 388-6418

## ISSUES AND ANSWERS

Violence and abuse at the hands of a loved one is frightening, degrading and confusing. Have you experienced this violence and abuse? If so, you are a victim of domestic violence. You are also the victim of a crime.

Despite your conflicting emotions, the legal system may be one of the most effective ways to protect yourself and your children.

In 1994, Congress passed the Violence Against Women Act (VAWA). This Act, and the 1996 additions to the Act, recognize that domestic violence is a national crime and that federal laws can help an overburdened state and local criminal justice system. In 1994 and 1996, Congress also passed changes to the Gun Control Act making it a federal crime in certain situations for domestic abusers to possess guns. The majority of domestic violence cases will continue to be handled by your state and local authorities. In some cases, however, the federal laws and the benefits gained from applying these laws, may be the most appropriate course of action.

This brochure is designed to provide practical information on the available federal domestic violence laws and penalties and the rights of federal victims.

## WHO SHOULD I CALL TO REPORT A POSSIBLE FEDERAL CRIME?

For a possible gun Control Act violation, please call your local Alcohol, Tobacco and Firearms (ATF) Office. For a possible VAWA violation, please call your local Federal Bureau of Investigation (FBI) Office. These violations are described in this brochure. The numbers for the FBI and ATF are listed on the back of this brochure. If you are unsure of the violation, please call law enforcement or the Victim Witness Coordinator listed on this brochure.

## WHAT ARE THE FEDERAL CRIMES AND PENALTIES?

All the federal domestic violence crimes are felonies. It is a federal crime under VAWA:

- To cross state lines or enter or leave Indian country and physically injure an "intimate partner". 18 U.S.C. Section 2261
- To cross state lines to stalk or harass or to stalk or harass within the maritime or territorial lands of the United States (this includes military bases and Indian country). 18 U.S.C. Section 2261A
- To cross state lines or enter or leave Indian country and violate a qualifying Protection Order. 18 U.S.C. Section 2262

It is a federal crime under the Gun Control Act:

- To possess a firearm and/or ammunition while subject to a qualifying Protection Order. 18 U.S.C. Section 922(g)(8)
- To possess a firearm and/or ammunition after conviction of a qualifying misdemeanor crime of domestic violence. 18 U.S.C. Section 922(g)(9)

A violation of the Gun Control Act, Sections 922(g)(8) and 922(g)(9), has a maximum prison term of ten years. A violation under VAWA, Sections 2261, 2261A and 2262, has a maximum prison term of five years to life, depending on the seriousness of the bodily injury caused by the defendant.

In a VAWA case, the Court must order restitution to pay the victim the full amount of losses. These losses include costs for medical or psychological care, physical therapy, transportation, temporary housing, child care expenses, lost income, attorney's fees, costs incurred in obtaining a civil protection order, and any other losses suffered by the victim as a result of the offense. In a Gun Control Act case, the Court may order restitution. Please keep a record of all expenses caused by the domestic violence crime.

## WHAT IS A QUALIFYING DOMESTIC VIOLENCE MISDEMEANOR?

Possession of a firearm and/or ammunition after conviction of a "qualifying" domestic violence misdemeanor is a federal crime under Section 922(g)(9). Generally, the misdemeanor will "qualify" if the conviction was for a crime committed by an intimate partner, parent or guardian of the victim that required the use or attempted use of physical force or the threatened use of a deadly weapon. In addition, Section 922(g)(9) imposes other legal requirements. The United States Attorney's Office will examine your case and determine whether the prior domestic violence misdemeanor conviction qualifies under Section 922(g)(9).

## WHAT IS A QUALIFYING PROTECTION ORDER?

Possession of a firearm and/or ammunition while subject to a Protection Order, and interstate violation of a Protection Order are federal crimes if the Protection Order "qualifies" under Sections 2262 and 922(g)(8). Generally, a protection order will qualify under federal law if reasonable notice and an opportunity to be heard was given to the person against whom the Court's Order was entered and if the Order forbids future threats of violence. The United States Attorney's Office can evaluate your Order to see if it qualifies. Therefore you should keep copies of all Orders.

## WHO IS AN INTIMATE PARTNER?

Generally, the federal laws recognize an intimate partner as a spouse, a former spouse, a person who shares a child in common with the victim, or a person who cohabits or has cohabited with the victim.

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*For Application Forms Contact:*

**Reno/Northern Nevada:**

Victims of Crime Program  
4600 Kietzke Lane  
Building I, Suite 205  
Reno, Nevada 89502  
Telephone: (775) 688-2900  
Fax: (775) 688-2912

**Las Vegas/Southern Nevada:**

Victims of Crime Program  
2200 S. Rancho, Suite 130  
Las Vegas, Nevada 89102  
Telephone: (702) 486-2740  
Fax: (702) 486-2825

**Washoe County:**

Witness Notification Unit  
Washoe County District Attorney's Office  
P.O. Box 11130  
Reno, Nevada 89520  
Telephone: (775) 328-3210

**Clark County:**

Victim Witness Assistance Center  
Clark County District Attorney's Office  
200 S. Third Street, Suite 545  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4204

Administered by the  
Nevada State Board of Examiners

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# PROGRAM TO COMPENSATE VICTIMS OF VIOLENT CRIME

## Who Is a Victim?

A victim is an innocent person who was physically injured or killed as a result of a criminal act, hit and run pedestrian or domestic violence occurring in the State of Nevada; a minor who was involved in the production of pornography; a minor who was sexually abused; or a person injured by an offender who was driving while under the influence of alcohol or a controlled substance.

## What Must I Do to Get Help?

- You must report the crime to local law enforcement within five days, unless there is an explanation why you could not.
- You must file an application with the program within one year from the date of the crime.
- You must cooperate with the reasonable requests of law enforcement officers in their investigation of the crime.
- You must NOT have consented to, provoked or incited the crime.
- You must NOT have been assisting in, or committing a criminal act causing your injuries.

## Who Can File an Application?

You may file an application if you are:

1. A victim as defined above; or
2. A parent or guardian of a minor child who is a victim; or
3. A person responsible for the medical or funeral expenses of the victim; or
4. In the case of a victim who is killed, a dependent survivor of the victim, a person living with the victim, or an immediate family member.

## What Determines Eligibility?

- You must be a victim or the application must be filed on behalf of a victim as detailed above.
- The crime must have occurred in the State of Nevada.
- You can not have contributed to your victimization.
- You must file an application for compensation within one year of the date of the crime, unless there is a substantial reason the police report or the application could not be filed within these time frames, but no later than 18 months from date of crime. These limitations do not apply to minors involved in the production of pornography or to minors who are sexually abused. These minors must apply for compensation before reaching 21 years of age.
- Crimes involving motor vehicles are covered ONLY in DUIs, pedestrian hit and run or where the vehicle is used as a weapon.
- You still may not be eligible for compensation. Other disqualifying criteria may include the lack of financial need, or eligibility for benefits from other sources.



## How Long Will It Take?

It can take eight to ten weeks to determine if you can be helped by the program. Once approved, payments will be authorized when all required information is received.

## What Compensation May Be Awarded?

- Medical expense payment and/or psychological counseling.
- Reimbursement of some lost wages.
- Funeral and burial expenses and grief counseling to eligible survivors of a deceased victim.
- Replacement or repair of lost or damaged eyeglasses, dentures, prosthetic devices, etc.
- You can NOT be paid for property loss or repair, phone bills, meals, living expenses, cash loss or pain or suffering.

## How Will Your Claim Be Investigated?

1. The Compensation Officer will obtain and review the police report, interview the applicant, accumulate medical bills and medical reports, as well as insurance, employment and financial information. A decision will be made based on the information received.
2. You will be notified in writing within 60 days of your interview regarding your eligibility for assistance.
3. If you disagree with the decision, you may file an appeal in writing within 15 days.

## INFORMATION REGARDING YOUR VICTIM IMPACT STATEMENT

You know better than anyone else how your life has changed as a result of this crime. The affect of the crime, told by the victim of the crime, is information that cannot be obtained from any other source.

Victim Impact Statements have become an important tool in the criminal justice process. A Victim Impact Statement is a detailed account of the emotional, physical, and financial effects the crime has had on the victim and family members. It will give you the opportunity to help the court understand the many ways that this crime has affected you and those close to you. Your statement, or summary of it, will become a formal part of the court record and will be available to the defendant and his or her attorney. As a victim, you have the right to allocution, or to be reasonably heard, and may also address the Judge in order to express your feelings and reactions to this crime. The Victim Impact Statement and victim allocution will give the court a good understanding of if and how this crime has changed your life.

In preparing your statement, you may wish to think about issues such as:

- Has your ability to relate to people changed since the crime?
- Have your feelings about yourself changed in any way?
- Has the crime affected your lifestyle or the lifestyle of your family, close friends or coworkers?
- Has the crime affected your ability to earn a living or to work?

The Judge will also be considering the matter of restitution in your case. Restitution is a Judge's order that a defendant make payment to you or your corporation for your actual financial losses resulting from the crime. The Judge may use the information provided by you in the Victim Impact Statement to determine what amount, if any, of restitution is ordered to be paid to each victim. There is no guarantee, however, that the defendant will be able to pay any amount even if it is ordered by the Judge. Restitution orders in criminal cases are independent of and different from monetary awards in civil cases.

Examples of items which may be claimed for restitution include:

- Medical expenses not fully covered by insurance,
- Lost property or repairs to property you have recovered,
- Money illegally taken,
- or any additional financial expenses as a result of this crime.

If you wish the Judge to consider restitution please complete the enclosed financial statement, attaching receipts for your losses whenever possible.

**It is important that the Victim Impact Statement is returned promptly so that it can be included in the Pre-sentence Report.**

## VICTIM IMPACT STATEMENT

Defendant Name: \_\_\_\_\_

Case Number: \_\_\_\_\_

Your Name: \_\_\_\_\_

1. How were you affected by this crime?

2. Has this crime had an impact on members of your family as well?

3. Have you sought counseling or therapy as a result of this crime?

4. Did you have to take time off work because of this crime? Have you lost income?

5. Have you suffered financial loss? Please attach receipts.

6. Anything else you would like the judge to consider at sentencing?

7. If the Court allows allocation in this case, would you like an opportunity to address the Court at sentencing?

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**VICTIM RESOURCES**  
**Law Enforcement Agencies**

**Henderson Police Department**

240 Water Street, PO Box 95050, Henderson, NV 89009-5050

Ph: (702) 267-4727

**Las Vegas Metropolitan Police Department (LVMPD), Victim Services**

Ph: (702) 828-2955

**North Las Vegas Police Department**

1301 E. Lake Mead Blvd., North Las Vegas, NV 89030

Ph: (702) 633-1017 X 5084

**Reno Police Department**

PO Box 1900, Reno, NV 89505

Ph: (775) 334-1210

**Washoe County Sheriff's Office**

911 Parr Blvd., Reno, NV 89512

Ph: (775) 328-3001

**White Pine Sheriff's Department, Victim Services**

1485 Great Basin Blvd., Ely, NV 89301

Ph: (775) 289-3410

Provides a variety of services including crisis intervention; assistance with filing temporary protection orders and victim compensation claims, immigration resources related to VAWA visa, transportation to court hearings, shelters, and other community resources.

**Prosecution Offices**

**Carson County, District Attorney's Office**

885 E. Musser Street, Carson City, NV

Ph: (775) 887-2072, Fax: (775) 887-2129

[www.carson-city.nv.us/departments/da/districtatty.htm](http://www.carson-city.nv.us/departments/da/districtatty.htm)

**Churchill County, District Attorney's Office**

365 So. Maine Street, Fallon, NV 89406

Ph: (775) 423-6561, Fax: (775) 423-6528

[www.churchillcounty.org/da/](http://www.churchillcounty.org/da/)

**Clark County, District Attorney's Office**

200 S. Third St., #528, P.O. Box 552212, Las Vegas, NV 89155

Ph: (702) 671-2525, Fax: (702) 455-5101

[www.co.clark.nv.us/district-attorney/VWAC/index.htm](http://www.co.clark.nv.us/district-attorney/VWAC/index.htm)

**Douglas County, District Attorney's Office**

1625 8th Street, Minden, NV 89423

Ph: (775) 782-9800, Fax: (775) 782-9807

**Elko County, District Attorney's Office**

521 6th Street, Elko, NV 89801

Ph: (775) 738-3101, Fax: (775) 738-0160

[www.elkocountynv.net/districtattorney.html](http://www.elkocountynv.net/districtattorney.html)

**Esmeralda County, District Attorney's Office**

P.O. Box 339, Goldfield, NV 89013

Ph: (775) 485-6352, Fax: (775) 485-6356

[www.accessesmeralda.com/attorney.htm](http://www.accessesmeralda.com/attorney.htm)

**Eureka County, District Attorney's Office**

P.O. Box 190, Eureka, NV 89316

Ph: (775) 237-5315, Fax: (775) 237-6005

[www.co.eureka.nv.us/district/district01.htm](http://www.co.eureka.nv.us/district/district01.htm)

Note: Victim-Witness Services provided by White Pine County - 1-800-372-7202

**Humboldt County, District Attorney's Office**

P.O. Box 909, Winnemucca, NV 89446

Ph: (775) 623-6363, Fax: (775) 623-6365

[www.hcnv.us/da/homeda.htm](http://www.hcnv.us/da/homeda.htm)

**Lander County, District Attorney's Office**

P.O. Box 187, Battle Mountain, NV 89820

Ph: (775) 635-5195, Fax: (775) 635-8209

**Las Vegas City Attorney**

400 E Stewart Avenue, 9<sup>th</sup> floor, Las Vegas, NV 89101

Ph: (702) 229-6201

**Lincoln County, District Attorney's Office**

P.O. Box 60, Pioche, NV 89043

Ph: (775) 962-5171, Fax: (775) 962-5582

[www.co.lincoln.nv.us/da.htm](http://www.co.lincoln.nv.us/da.htm)

Note: Victim-Witness Services provided by White Pine County - 1-800-372-7202

**Lyon County, District Attorney's Office**  
31 South Main Street, Yerington, NV 89447  
Ph: (775) 463-6511, Fax: (775) 463-6516  
[www.lyon-county.org/da/](http://www.lyon-county.org/da/)

**Mineral County, District Attorney's Office**  
P.O. Box 1210, Hawthorne, NV 89415  
Ph: (775) 945-3636, Fax: (775) 945-0740

**Nye County, District Attorney's Office**  
1520 E. Basin Rd, Pahrump, NV 89048  
P.O. Box 39, Pahrump, NV 89041  
Ph: (775) 751-7080, Fax: (775) 727-5234

**Pershing County, District Attorney's Office**  
P.O. Box 299, Lovelock, NV 89419  
Ph: (775) 273-2613, Fax: (775) 273-7058

**Storey County, District Attorney's Office**  
26 B Street, Virginia City, NV 89440  
Ph: (775) 847-0964, Fax: (775) 847-1007

**Washoe County, District Attorney's Office**  
P.O. Box 11130, 75 Court St., Rm 201, Reno, NV 89520  
Ph: (775) 328-3210 or (800) 866-3210, Fax: (775) 328-3283  
[www.co.washoe.nv.us/da/dadepartments.html](http://www.co.washoe.nv.us/da/dadepartments.html)

**White Pine County, District Attorney's Office**  
612 Aultman, #120, Ely, NV 89301  
Ph: (775) 289-3410 or (800) 372-7202, Fax: (775) 289-3470  
[www.whitepinecounty.net/district-attorney.htm](http://www.whitepinecounty.net/district-attorney.htm)

**U.S. Attorney's Office**  
333 Las Vegas Blvd. South, Ste 5000, Las Vegas, NV 89101  
100 West Liberty, Ste 600, Reno, NV 89501  
Ph: (702) 388-6336 or (775) 784-5438  
[www.justice.gov/usao/nv/index/html](http://www.justice.gov/usao/nv/index/html)

Provides notification of the status of your case, explains court procedures, assists in applying for crime compensation, expedites the return of property held as evidence, referrals to appropriate social service agencies.

## Community Resources

### **Advocates to End Domestic Violence**

PO Box 2529, Carson City, NV 89702

Ph: (775) 883-7654

Provides a safe, supportive environment where domestic violence victims can re-examine their view of themselves and work towards a violence free future

### **The Children's Cabinet, Inc.**

1090 South Rock, Reno, NV 89502

Ph: (775) 856-6200

### **Clark County Department of Family Services**

121 S. Martin Luther Kinge Blvd., Las Vegas, NV 89107

Ph: (702) 455-5444 administrative office, (702) 399-0081 to report child abuse

### **Clark County Legal Services**

800 S. 8<sup>th</sup> Street, Las Vegas, NV 89101

Ph: (702) 386-1070 or (800) 522-1070

Provides legal aid for Clark County

### **Community Chest**

PO Drawer 980, Virginia City, NV 89440

Ph: (775) 847-9311, Fax: (775) 847-9335

Provides counseling, family advocacy, youth enrichment programs, community health services and employment placement assistance.

### **Crisis Call Center, Inc.**

P.O. Box 8016, Reno, NV 89507

Ph: (775) 784-8085

Provides intervention, prevention, and education services to the community and those individuals in crisis by helping them identify choices and offering support.

### **Fallon Paiute Shoshone Tribe, Youth and Family Services**

1007 Rio Vista Road, Fallon, NV 89406

Ph: (775) 423-1215

**Families of Murder Victims**

P.O. Box 82392, Las Vegas, NV 89180-2392

Ph: (702) 873-5696

Provides self-help support meetings, one-to-one peer counseling, immediate crisis intervention, and courtroom support.

**Family and Child Treatment of Southern Nevada (FACT)**

1050 South Rainbow Blvd., Las Vegas, NV 89145

Ph: (702) 258-5855

Helps children, adults and families overcome and heal the traumas of abuse, neglect and violence through education, prevention and treatment services

**Family Counseling Services**

575 E. Plumb Lane, Ste 100, Reno, NV 89502

Ph: (775) 329-0623

**Family Support Council**

P.O. Box 810, Minden, NV 89423

Ph: (775) 782-8692

**Nevada Coalition Against Sexual Violence**

P.O. Box 620716, Las Vegas, NV 89162

Ph: (702) 990-3460, Fax: (702) 990-3461

**Nevada Division of Child and Family Services**

4126 Technology Way, 3<sup>rd</sup> Floor, Carson City, NV 89706

Ph: (775) 684-4437

Provides adoption assistance, budget/financial counseling, child abuse petitions, child development classes/activities, clothing assistance, compensation claim assistance, conviction notification, court preparation/accompaniment, CPR educations, criminal justice support/advocacy, and crisis counseling

**Nevada Department of Corrections, Victim Services**

PO Box 7011, Carson City, NV 89702

Ph: (775) 887-3393, Fax: (775) 887-3167

Provides registration of all crime victims for the notification of release of their offender from the custody of NDOC; notification of an inmate's escape from the custody of NDOC; advocacy on behalf of victims concerning their particular needs in the correctional process, including but not limited to: situations involving harassment by inmates, compliance with court mandated conditions, unwanted contact, etc.; general information regarding the status of offenders in the custody of or under the supervision of NDOC, including parole eligibility date, projected

expiration date and sentence structure; referrals for crime victims to other state, federal and community based services; notification of execution dates along with preparation and orientation for victims who choose to be present at an execution; and attendance with victim to Parole Board hearings, Psychological Review Panel hearings, and executions

**Nevada Network Against Domestic Violence (NNADV)**

220 South Rock Blvd., Ste 7, Reno, NV 89502  
Ph: (775) 828-1115 or (800) 230-1955, Fax: (775) 828-9911

**Nevada Urban Indians**

1475 Terminal Way, Ste B, Reno, NV 89502  
Ph: (775) 788-7600

232 E. Winnie Lane, Carson City, NV 89706

Ph: (775) 883-4439

Promotes American Indian/Alaskan Native culture, health, and well-being.

**Nevada Victims of Crime Compensation Program**

2200 South Rancho Drive, Ste 130, Las Vegas, NV 89102

Ph: (702) 486-2740

4600 Kietzke Lane, Building I, Ste 205, Reno, NV 89502

Ph: (775) 688-2900

**No to Abuse**

P.O. Box 2869, Pahrump, NV 89048

Ph: (775) 751-1118

**Pyramid Lake Paiute Tribe**

P.O. Box 256, Nixon, NV 89424

Ph: (775) 574-1000

**Rape Crisis Center**

6375 W. Charleston Blvd., Bldg 149, Las Vegas, NV 89146

Ph: (702) 366-1640

Provides crisis intervention, advocacy, support and education to those affected by sexual violence.

**S.A.F.E. House**

Henderson, NV

Ph: (702) 451-4203

Domestic Violence Shelter

**The Shade Tree**  
Las Vegas, NV  
Ph: (702) 385-0072

Shelter for women and children who are homeless or who have been abused

**Step 2**  
1435 N. Virginia Street, Reno, NV 89503  
Ph: (775) 787-9411, Fax: (775) 327-6055

Provides a comprehensive substance abuse treatment that provides women and children suffering from chemical addiction, poverty and domestic violence the opportunity to rebuild their lives.

**Tahoe Women's Services**  
948 Incline Way, Incline Way, NV 89451  
Ph: (775) 298-0010

**Victim Information and Notification Everyday (VINE)**  
Ph: (877) 591-8463

Monitors the custody status of offender booked into the Clark county Detention Center

**Volunteer Lawyers Rural Nevada**  
904 N. Nevada Street, Suite B, Carson City, NV 89702  
Ph: (775) 883-8278

Provides assistance related to the following legal issues: adoption, child custody and parental rights termination, divorce, domestic violence, foreclosures and other real estate matters, guardianship, homesteads, labor law or worker's compensation, name changes, non-profit corporation issues, probate, taxes, and wills

**Washoe County, Department of Social Services**  
350 S. Center Street, Reno, NV 89502  
Ph: (775) 785-8600

**Washoe Legal Services**  
299 South Arlington Avenue, Reno, NV 89501  
Ph: (775) 329-2727, Fax: (775) 324-5509

# STATUTES - Jurisdictional



## **STATUTES - Jurisdictional**

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### INDIAN COUNTRY 18 U.S.C. § 1151

Except as otherwise provided in sections 1154 and 1156 of this title, the term Indian Country, as used in this chapter, means

- (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation,
- (b) all dependent Indian communities within the orders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and
- (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.

FEDERAL ENCLAVES ACT  
18 U.S.C. § 1152

Except as otherwise expressly provided by law, the general laws of the United States as to the punishment of offenses committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian Country.

This section shall not extend to offenses committed by one Indian against the person or property of another Indian, nor to any Indian committing any offense in the Indian Country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

MAJOR CRIMES ACT  
18 U.S.C. § 1153

(a) Any Indian who commits against the person or property of another Indian or other person any of the following offenses, namely, murder, manslaughter, kidnapping, maiming, a felony under chapter 109A, incest, assault with intent to commit murder, assault with a dangerous weapon, assault resulting in serious bodily injury (as defined in section 1365 of this title), an assault against an individual who has not attained the age of 16 years, felony child abuse or neglect, arson, burglary, robbery, and a felony under section 661 of this title within the Indian Country, shall be subject to the same law and penalties as all other persons committing any of the above offenses, within the exclusive jurisdiction of the United States.

(b) Any offense referred to in subsection (a) of this section that is not defined and punished by Federal law in force within the exclusive jurisdiction of the United States shall be defined and punished in accordance with the laws of the State in which such offense was committed as are in force at the time of such offense.

ASSIMILATIVE CRIMES ACT  
18 U.S.C. § 13

(a) Whoever within or upon any of the places now existing or hereafter reserved or acquired as provided in section 7 of this title, or on, above, or below any portion of the territorial sea of the United States not within the jurisdiction of any State, Commonwealth, territory, possession, or district is guilty of any act or omission which, although not made punishable by any enactment of Congress, would be punishable if committed or omitted within the jurisdiction of the State, Territory, Possession, or District in which such place is situated, by the laws thereof in force at the time or such act or omission, shall be guilty of a like offense and subject to a like punishment.

(b) (1) Subject to paragraph (2) and for purposes of subsection (a) of this section, that which may or shall be imposed through judicial or administrative action under the law of a State, territory, possession, or district, for a conviction for operating a motor vehicle under the influence of a drug or alcohol, shall be considered to be a punishment provided by that law. Any limitation on the right or privilege to operate a motor vehicle imposed under this subsection shall apply only to the special maritime and territorial jurisdiction of the United States.

(2) (A) In addition to any term of imprisonment provided for operating a motor vehicle under the influence of a drug or alcohol imposed under the law of a State, territory, possession, or district, the punishment for such an offense under this section shall include an additional term of imprisonment of not more than 1 year, or if serious bodily injury of a minor is caused, not more than 5 years, or if death of a minor is caused, not more than 10 years, and an additional fine under this title, or both, if

(i) a minor (other than the offender) was present in the motor vehicle when the offense was committed; and

(ii) the law of the State, territory, possession, or district in which the offense occurred does not provide an additional term of imprisonment under the circumstances describes in clause (i).

(B) For the purposes of subparagraph (A), the term "minor" means a person less than 18 years of age.

(c) . . .

# STATUTES - Major Crimes



## **STATUTES - Major Crimes**

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### ARSON 18 U.S.C. § 81

Whoever, within the special maritime and territorial jurisdiction of the United States, willfully and maliciously sets fire to or burns any building, structure or vessel, any machinery or building materials or supplies, military or naval stores, munitions of war, or any structural aids or appliance for navigation or shipping, or attempts or conspires to do such an act, shall be imprisoned for not more than 25 years, fined the greater of the fine under this title or the cost of repairing or replacing any property that is damaged or destroyed, or both.

If the building is a dwelling or if the life of any person be placed in jeopardy, he shall be fined under this title or imprisoned for any term of years or for life, or both.

ASSAULT  
18 U.S.C. § 113

(a) Whoever, within the special maritime and territorial jurisdiction of the United States, is guilty of any assault shall be punished as follows:

- (1) Assault with intent to commit murder, by imprisonment for not more than twenty years.
- (2) Assault with intent to commit any felony, except murder or a felony under chapter 109A, by a fine under this title or imprisonment for not more than ten years, or both.
- (3) Assault with a dangerous weapon, with intent to do bodily harm, and without just cause or excuse, by a fine under this title or imprisonment for not more than ten years, or both.
- (4) Assault by striking, beating, or wounding, by a fine under this title or imprisonment for not more than six months, or both.
- (5) Simple assault, by a fine under this title or imprisonment for not more than six months, or both, or if the victim of the assault is an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 1 year, or both.
- (6) Assault resulting in serious bodily injury, by a fine under this title or imprisonment for not more than ten years, or both.
- (7) Assault resulting in substantial bodily injury to an individual who has not attained the age of 16 years, by fine under this title or imprisonment for not more than 5 years, or both.

(b) As used in this subsection -

(1) the term "substantial bodily injury" means bodily injury which involves

-

(A) a temporary but substantial disfigurement;

or

(B) a temporary but substantial loss or impairment of the function of any bodily member, organ, or mental faculty; and

(2) the term “serious bodily injury” has the meaning given that term in section 1365 of this title.

from 18 U.S.C. § 1365

(3) the term “serious bodily injury” means bodily injury which involves -

- (A) a substantial risk of death;
- (B) extreme physical pain;
- (C) protracted and obvious disfigurement;
- or
- (D) protracted loss or impairment of the function of a bodily member, organ, or mental faculty; and

(4) the term “bodily injury” means -

- (A) a cut, abrasion, bruise, burn, or disfigurement;
- (B) physical pain;
- (C) illness;
- (D) impairment of the function of a bodily member, organ, or mental faculty; or
- (E) any other injury to the body, no matter how temporary.

ABUSE AND NEGLECT OF CHILDREN  
NRS 200.508 Abuse, neglect or endangerment of child

1. A person who willfully causes a child who is less than 18 years of age to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life with the possibility of parole, with eligibility for parole beginning when a minimum of 15 years has been served; or

(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 years and a maximum term of not more than 6 years; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 15 years.

➡ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

2. A person who is responsible for the safety or welfare of a child and who permits or allows that child to suffer unjustifiable physical pain or mental suffering as a result of abuse or neglect or to be placed in a situation where the child may suffer physical pain or mental suffering as the result of abuse or neglect:

(a) If substantial bodily or mental harm results to the child:

(1) If the child is less than 14 years of age and the harm is the result of sexual abuse or exploitation, is guilty of a category A felony and shall be punished by imprisonment in the state prison for life the possibility of parole, with eligibility for parole beginning when a minimum of 10 years has been served; or

(2) In all other such cases to which subparagraph (1) does not apply, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of not more than 20 years; or

(b) If substantial bodily or mental harm does not result to the child:

(1) If the person has not previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a gross misdemeanor; or

(2) If the person has previously been convicted of a violation of this section or of a violation of the law of any other jurisdiction that prohibits the same or similar conduct, is guilty of a category C felony and shall be punished as provided in NRS 193.130,

➡ unless a more severe penalty is prescribed by law for an act or omission that brings about the abuse or neglect.

3. A person does not commit a violation of subsection 1 or 2 by virtue of the sole fact that he delivers or allows the delivery of a child to a provider of emergency services pursuant to NRS 432B.630.

4. As used in this section:

(a) "Abuse or neglect" means physical or mental injury of a nonaccidental nature, sexual abuse, sexual exploitation, negligent treatment or

maltreatment of a child under the age of 18 years, as set forth in paragraph (d) and NRS 432B.070, 432B.100, 432B.110, 432B.140 and 432B.150. under circumstances which indicate that the child's health or welfare is harmed or threatened with harm.

(b) "Allow" means to do nothing to prevent or stop the abuse or neglect of a child in circumstances where the person knows or has reason to know that the child is abused or neglected.

(c) "Permit" means permission that a reasonable person would not grant and which amounts to a neglect of responsibility attending the care, custody and control of a minor child.

(d) "Physical injury" means:

(1) permanent or temporary disfigurement; or

(2) Impairment of any bodily function or organ of the body.

(e) "Substantial mental harm" means an injury to the intellectual or psychological capacity or the emotional condition of a child as evidenced by an observable and substantial impairment of the ability of the child to function within his normal range of performance or behavior.

MAIMING  
18 U.S.C. § 114

Whoever, within the special maritime and territorial jurisdiction of the United States, and with intent to torture (as defined in section 2340), maim, or disfigure, cuts, bites, or slits the nose, ear, or lip, or cuts out or disable the tongue, or puts out or destroys an eye, or cuts off or disables a limb or any member of another person; or

Whoever, within the special maritime and territorial jurisdiction of the United States, and with the intent, throws or pours upon another person, any scalding water, corrosive acid, or caustic substance -

Shall be fined under this title or imprisoned not more that twenty years, or both.

DOMESTIC ASSAULT BY A HABITUAL OFFENDER  
18 U.S.C. § 117

(a) In general. - Any person who commits a domestic assault within the special maritime and territorial jurisdiction of the United States or Indian Country and who has a final conviction on at least 2 separate prior occasions in Federal, State, or Indian tribal court proceedings for offenses that would be, if subjected to Federal jurisdiction -

(1) any assault, sexual abuse, or serious violent felony against a spouse or intimate partner; or

(2) an offense under chapter 110A,

shall be fined under this title, imprisoned for a term of not more than 5 years, or both, except that if substantial bodily injury<sup>1</sup> results from violation under this section, the offender shall be imprisoned for a term of not more than 10 years.

(b) Domestic assault defined - In this section, the term “domestic assault” means an assault committed by a current or former spouse, parent, child, or guardian of the victim, by a person with whom the victim share a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, parent, child, or guardian, or by a person similarly situated to a spouse, parent, child, or guardian of the victim.

NOTE: Applies to any person, Indian or Non-Indian. Not required to be charged under 18 U.S.C. § 1153. Tribal, state or Federal court convictions count as predicate convictions.

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<sup>1</sup>“Substantial bodily injury” is defined in 18 U.S.C. § 113(b)(1).

THEFT  
18 U.S.C. § 661

Whoever, within the special maritime and territorial jurisdiction of the United States, takes and carries away, with intent to steal or purloin, any personal property of another shall be punished as follows:

If the property taken is of a value exceeding \$1,000, or is taken from the person of another, by a fine under this title, or imprisonment for not more than five years, or both; in all other cases, by a fine under this title or by imprisonment not more than one year, or both.

If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be the value of the property stolen.

MURDER  
18 U.S.C. § 1111

(a) Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, escape, murder, kidnapping, treason, espionage, sabotage, aggravated sexual abuse or sexual abuse, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree.

Any other murder is murder in the second degree.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty in the first degree shall be punished by death or by imprisonment for life;

Whoever is guilty of murder in the second degree, shall be imprisoned for any term of years or for life.

MANSLAUGHTER  
118 U.S.C. § 1112

(a) Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

Voluntary - Upon a sudden quarrel or heat of passion.

Involuntary - In the commission of an unlawful act not amounting to a felony, or in the commission in an unlawful manner, or without due caution and circumspection, of a lawful act which might produce death.

(b) Within the special maritime and territorial jurisdiction of the United States,

Whoever is guilty of voluntary manslaughter, shall be fined under this title or imprisoned not more than ten years, or both;

Whoever is guilty of involuntary manslaughter, shall be fined under this title or imprisoned not more than six years, or both.

FAILURE TO REPORT CHILD ABUSE  
18 U.S.C. § 1169

(a) Any person who -

(1) 9s a -

(A) physician, surgeon, dentist, podiatrist, chiropractor, nurse, dental hygienist, optometrist, medical examiner, emergency medical technician, paramedic, or health care provider,

(B) teacher, school counselor, instructional aide, teacher's aide, teacher's assistant, or bus driver employed by any tribal, Federal, public or private school,

(C) administrative officer, supervisory of child welfare and attendance, or truancy officer of any tribal, Federal public or private school,

(D) child day care worker, headstart teacher, public assistance worker, worker in a group home or residential or day care facility, or social worker,

(E) psychiatrist, psychologist, or psychological assistant,

(F) licensed or unlicensed marriage, family, or child counselor,

(G) person employed in the mental health profession, or

(H) law enforcement officer, probation officer, worker in a juvenile rehabilitation or detention facility, or person employed in a public agency who is responsible for enforcing statutes and judicial orders;

(2) knows, or has reasonable suspicion, that -

(A) a child was abused in Indian Country, or

(B) actions are being taken, or are going to be taken, that would reasonably be expected to result in abuse of a child in Indian Country;  
and

(3) fails to immediately report such abuse or actions described in paragraph (4) to the local child protective services agency or local law enforcement agency,

shall be fined under this title or imprisoned for not more than 6 months or both.

(b) Any person who -

(1) supervises, or has authority over, a person described in subsection (a)(1),

and

(2) inhibits or prevents that person from making the report described in subsection (a).

shall be fined under this title or imprisoned for not more than 6 months or both.

(c) For purposes of this section, the term -

(1) "abuse" includes -

(A) any case in which -

(i) a child is dead or exhibits evidence of skin bruising, bleeding, malnutrition, failure to thrive, burns, fracture of any bone, subdural hematoma, soft tissue swelling, and

(ii) such condition is not justifiably explained or may not be the product of any accidental occurrence; and

(B) any case in which a child is subjected to sexual assault, sexual molestation, sexual exploitation, sexual contact, or prostitution;

(2) "child" means an individual who -

(A) is not married, and

(B) has not attained 18 years of age;

(3) "local child protective services agency" means that agency of the Federal Government, of a State, or of an Indian tribe that has the primary

responsibility for child protection on any Indian reservation or within any community in Indian Country; and

(4) "local law enforcement" means that Federal, tribal, or State law enforcement agency that has the primary responsibility for the investigation of an instance of alleged child abuse within the portion of Indian Country involved.

(d) Any person making a report described in subsection (a) which is based upon their reasonable belief and which is made in good faith shall be immune from civil or criminal liability for making that report.

KIDNAPPING  
18 U.S.C. § 1201

(a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and hold for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when -

(1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary if the person was alive when the transportation began;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49;

(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined section 1116(b) of this title; or

(5) the person is among those officers and employees described in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of official duties;

shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

(b) With respect to subsection (a)(1), above, the failure to release the victim within twenty-four hours after he shall have been unlawfully seized, confined, inveighed, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported to interstate or foreign commerce. Notwithstanding the preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.

(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

(d) Whoever attempts to violate subsection (a) shall be punished by imprisonment for not more than twenty years.

(e) If the victim of an offense under subsection (a) is an internationally protected person outside the United State, the United States may exercise jurisdiction over the offense if

(1) the victim is a representative, officer, employee, or agent of the United States,

(2) an offender is a national of the United States, or

(3) an offender is afterwards found in the United States.

As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 4650`2) of title 49. For purposes of this subsection, the term "national of the United States" has the meaning prescribed in section 101 (a)(22) of the Immigration and Nationality Act (8 U.S.C. §1101(a)(22)).

(f) In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(g) Special rule for certain offenses involving children. -

(1) To whom applicable. -If-

(A) the victim of an offense under this section has not attained the age of eighteen years; and

(B) the offender -

(i) has attained such age; and

(ii) is not -

(I) a parent;

- (II) a grandparent;
- (III) a brother;
- (IV) a sister;
- (V) an aunt;
- (VI) an uncle; or
- (VII) an individual having legal custody of the victim;

the sentence under this section for such offense shall be subject to paragraph (2) of this subsection.

(h) As used in this section, the term “parent” does not include a person whose parental rights with respect to the victim of an offense under this section have been terminated by a final court order.

ROBBERY  
18 U.S.C. § 2111

Whoever, within the special maritime and territorial jurisdiction of the United States, by force and violence, or by intimidation, takes or attempts to take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years.

AGGRAVATED SEXUAL ABUSE  
18 U.S.C. § 2241

(a) By force or threat. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly causes another person to engage in a sexual act -

(1) by using force against that other person; or

(2) by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping;

or attempts to do so, shall be fined under this title, imprisoned for any term of years or life, or both.

(b) By other means. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly -

(1) renders another person unconscious and thereby engages in a sexual act with that other person; or

(2) administers to another person by force or threat of force, or without the knowledge or permission of that person, a drug, intoxicant, or other similar substance and thereby -

(A) substantially impairs the ability of that other person to appraise or control conduct; and

(B) engages in a sexual act with that other person;

or attempts to do so, shall be fined under this title, imprisoned for any term or years or life, or both.

(c) With children. - Whoever crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who has not attained the age of 12 years, or knowingly engages in a sexual act under the circumstances described in subsection (a) and (b) with another person who has attained the age of 12 years but has not attained the age of 16 years (and is a least four years younger than the person so engaging), or attempts to do so, shall be fined under this title

and imprisoned for not less than 30 years or for life. If the defendant has previously been convicted of another Federal offense under this subsection, or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.

(d) State of mind proof requirement. - In a prosecution under subsection (c) of this section, the Government need not prove that the defendant knew that the other person engaging in the sexual act had not attained the age of 12 years.

SEXUAL ABUSE  
18 U.S.C. § 2242

Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly -

(1) causes another person to engage in a sexual act by threatening or placing that other person in fear (other than by threatening or placing that other person in fear that any person will be subjected to death, serious bodily injury, or kidnapping); or

(2) engages in a sexual act with another person if that other person is -

(A) incapable of appraising the nature of the conduct; or

(B) physically incapable of declining participation in, or communicating unwillingness to engage in, that sexual act;

or attempts to do so, shall be fined under this title and imprisoned for any term of years or for life.

SEXUAL ABUSE OF A MINOR OR WARD  
18 U.S.C. § 2243

(a) Of a minor. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who -

(1) has attained the age of 12 years but has not attained the age of 16 years;  
and

(2) is at least four years younger than the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(b) Of a ward. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in a sexual act with another person who is -

(1) in official detention; and

(2) under the custodial, supervisory, or disciplinary authority of the person so engaging;

or attempts to do so, shall be fined under this title, imprisoned not more than 15 years, or both.

(c) Defenses. -

(1) In a prosecution under subsection (a) of this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the defendant reasonably believed that the other person had attained the age of 16 years.

(2) In a prosecution under this section, it is a defense, which the defendant must establish by a preponderance of the evidence, that the persons engaging in the sexual act were at that time married to each other.

(d) State of mind proof requirement. - In a prosecution under subsection (a) of this section, the Government need not prove that the defendant knew -

- (1) the age of the other person engaging in the sexual act; or
- (2) that the requisite age difference existed between the persons so engaging.

ABUSIVE SEXUAL CONTACT  
18 U.S.C. § 2244

(a) Sexual conduct in circumstances where sexual acts are punished by this chapter. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in or causes sexual contact with or by another person, if so to do would violate -

(1) subsection (a) or (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than ten year, or both;

(2) section 2242 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than three years, or both;

(3) subsection (a) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than two years, or both;

(4) subsection (b) of section 2243 of this title had the sexual contact been a sexual act, shall be fined under this title, imprisoned not more than six months, or both;

(5) subsection (b) of section 2241 of this title had the sexual contact been a sexual act, shall be fined under title and imprisoned for any term of years or life.

(b) In other circumstances. - Whoever, in the special maritime and territorial jurisdiction of the United States or in a Federal prison, knowingly engages in sexual contact with another person without that other person's permission shall be fined under this title, imprisoned not more than six months, or both.

(c) Offenses involving young children. - If the sexual contact that violates this section is with an individual who has not attained the age of 12 years, the maximum term or imprisonment that may be imposed for the offense shall be twice that otherwise provided in this section.

SEXUAL ABUSE RESULTING IN DEATH  
18 U.S.C. § 2245

A person who, in the course of an offense under this chapter, or section 1591, 2251, 2251A, 2260, 2421, 2422, 2423, or 2245, murders an individual, shall be punished by death or imprisoned for any term of years or for life.

## SEXUAL ABUSE

### Definition

18 U.S.C. § 2246

As used in this chapter -

(1) the term “prison” means a correctional, detention, or penal facility’

(2) the term “sexual act” means -

(A) contact between the penis and the vulva or the penis and the anus, and for purposes of this subparagraph contact involving the penis occurs upon penetration, however, slight;

(B) contact between the mouth and the penis, the mouth and the vulva, or the mouth and the anus;

(C) the penetration, however slight, of the anal or genital opening of another by a hand or finger or by any object, with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person; or

(D) the intentional touching, not through the clothing, of the genitalia of another person who has not attained the age of 16 years with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(3) the term “sexual contact” means the intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person with an intent to abuse, humiliate, harass, degrade, or arouse or gratify the sexual desire of any person;

(4) the term “serious bodily injury” means bodily injury that involves a substantial risk of death, unconsciousness, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty;

(5) the term “official detention” means -

(A) detention by a Federal officer or employee, or under the direction of a Federal officer or employee, following arrest for an offense;

following surrender in lieu of arrest for an offense; following a charge or conviction of an offense, or an allegation or finding of juvenile delinquency; following commitment as a material witness; following civil commitment in lieu of criminal proceedings or pending resumption of criminal proceedings that are being held in abeyance, or pending extradition, deportation, or exclusion; or

(B) custody by a Federal officer or employee, or under the direction of a Federal officer or employee, for purposes incident to any detention described in subparagraph (A) of this paragraph, including transportation, medical diagnosis or treatment, court appearance, work, and recreation;

but does not include supervision or other control (other than custody during specified hours or days) after release on bail, probation, or parole, or after release following a finding of juvenile delinquency; and

(6) the term "State" means a State of the United States, the District of Columbia, and any commonwealth, possession, or territory of the United States.

SEXUAL ABUSE  
Repeat Offenders  
18 U.S.C. § 2247

(a) Maximum Term of Imprisonment. - The maximum term of imprisonment for a violation of this chapter after a prior sex offense conviction shall be twice the term otherwise provided by this chapter.

(b) Prior Sex Offense Conviction Defined. - In this section, the term “prior sex offense conviction” has the meaning give that term in section 2426(b).

INCEST  
NRS 201.180

Persons being within the degree of consanguinity within which marriages are declared by law to be incestuous and void who intermarry with each other or who commit fornication or adultery with each other shall be punished for a category A felony by imprisonment in the state prison for a minimum term of not less than 2 years and a maximum term of life with the possibility of parole, and may be further punished by a fine or not more than \$10,000.

BURGLARY  
NRS 205.060

1. A person who, by day or night, enters any house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle trailer, semitrailer or house trailer, airplane, glider, boat or railroad car, with the intent to commit grand or petit larceny, assault or battery on any person or any felony, or to obtain money or property by false pretenses, is guilty of burglary.

2. Except as otherwise provided in this section, a person convicted of burglary is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 10 years, and may be further punished by a fine of not more than \$10,000. A person who is convicted of burglary and who has previously been convicted of burglary or another crime involving the forcible entry or invasion of a dwelling must not be released on probation or granted a suspension of his sentence.

3. Whenever a burglary is committed on a vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car, in motion or in rest, the State, and it cannot with reasonable certainty be ascertained in what county the crime was committed, the offender may be arrested and tried in any county through which the vessel, vehicle, vehicle trailer, semitrailer, house trailer, airplane, glider, boat or railroad car traveled during the time the burglary was committed.

4. A person convicted of burglary who has in his possession or gains possession of any firearm or deadly weapon at any time during the commission of the crime, at any time before leaving the structure or upon leaving the structure, is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less that 2 years and a maximum term of not more than 15 years, and may be further punished by a fine of not more that \$10,000.

**STATUTES - Other Federal Crimes  
Prevalent in Indian Country**



**STATUTES - Other Federal Crimes**  
***Prevalent in Indian Country***

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ASSAULT ON FEDERAL OFFICER  
18 U.S.C. § 111

(a) In general. - Whoever -

(1) forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person designated in section 1114 of this title while engaged in or on account of the performance of official duties; or

(2) forcibly assaults or intimidates any person who formerly served as a person designated in section 1114 on account of the performance of official duties during such person's term of service,

shall, where the acts in violation of this section constitute only simple assault, be fined under this title or imprisoned not more than one year, or both, and in all other cases, be fined under this title or imprisoned not more than 8 years, or both.

(b) Enhanced penalty. - Whoever - in the commission of any acts described in subsection (a) uses a deadly or dangerous weapon (including a weapon intended to cause death or danger but that fails to do so by reason of a defective component) or inflicts bodily injury, shall be fined under this title or imprisoned not more than 20 years, or both.

COERCION AND ENTICEMENT  
18 U.S.C. § 2242(b)

(b) Whoever, using the mail or any facility or means of interstate or foreign commerce, or within the special maritime and territorial jurisdiction of the United States knowingly persuades, induces, entices, or coerces any individual who has not attained the age of 18 years, to engage in prostitution or any sexual activity for which any person can be charged with a criminal offense, or attempts to do so, shall be fined under this title and imprisoned not less than 10 years or for life.

FAILURE TO REGISTER AS A SEXUAL OFFENDER  
18 U.S.C. § 2250(a)

If a Federal Conviction:

First, the defendant is a sex offender by reason of a conviction under Federal law;

Second, the defendant is a person required to register under the Sex Offender Registration and Notification Act; and

Third, the defendant knowingly failed to register and/or update his/her registration.

If a State Conviction

First, the defendant is a sex offender by reason of a conviction under state law;

Second, the defendant is a person required to register under the Sex Offender Registration and Notification Act;

Third, the defendant knowingly failed to register and/or update his registration; and

Fourth, the defendant traveled in interstate commerce or entered or left Indian Country.

RECEIPT/DISTRIBUTION OF CHILD PORNOGRAPHY  
18 U.S.C. § 2252A(a)(2)

First, that defendant knowingly received/distributed a visual depiction in interstate or foreign commerce by any means, including a computer;

Second, that the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct;

Third, that such visual depiction was of a minor engaging in sexually explicit conduct;

Fourth, that defendant knew that such visual depiction was of sexually explicit conduct; and

Fifth, defendant knew that at least one of the person engaged in sexually explicit conduct in such visual depiction was a minor.

POSSESSION OF CHILD PORNOGRAPHY  
18 U.S.C. §2252A(a)(5)(B)

First, that defendant knowingly possessed computer disks or any other material which defendant knew contained visual depictions of minors engaged in sexually explicit conduct;

Second, defendant knew the visual depictions contained in the computer disks or any other material contained minors engaged in sexually explicit conduct;

Third, defendant knew that production of such visual depictions involved the use of minors in sexually explicit conduct; and

Fourth, that each visual depiction had been either

- (a) mailed or shipped or transported in interstate or foreign commerce by any means, including by computer, or
- (b) produced using material that had been mailed or shipped or transported in interstate or foreign commerce by any means, including by computer

TRANSFER OF OBSCENE MATERIAL TO MINORS  
18 U.S.C. § 1470

Whoever, using the mail or any facility or means of interstate or foreign commerce, knowingly transfers obscene matter to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, or attempts to do so, shall be fined under this title, imprisoned not more than 10 years, or both.

TRANSPORTATION OF CHILD PORNOGRAPHY  
18 U.S.C. § 2252a(A)(2)

(a) Any person who -

(2) knowingly receives or distributes -

(A) any child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer; or

(B) any material that contains child pornography that has been mailed, or shipped or transported in interstate or foreign commerce by any means, including by computer;

SEXUAL EXPLOITATION OF CHILDREN  
18 U.S.C. § 2251

(a) Any person who employs, uses, persuades, induces, entices, or coerces any minor to engage in, or who has a minor assist any other person to engage in, or who transports any minor in interstate or foreign commerce, or in any Territory or Possession of the United States, with the intent that such minor engage in, any sexually explicit conduct for the purpose of producing any visual depiction of such conduct, shall be punished as provided under subsection (e), if such person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed.

(b) Any parent, legal guardian, or person having custody or control of a minor who knowingly permits such minor to engage in, or to assist any other person to engage in, sexually explicit conduct for the purpose of producing any visual depiction of such conduct shall be punished as provided under subsection (e) of this section, if such parent, legal guardian, or person knows or has reason to know that such visual depiction will be transported in interstate or foreign commerce or mailed, if that visual depiction was produced using materials that have been mailed, shipped, or transported in interstate or foreign commerce by any means, including by computer, or if such visual depiction has actually been transported in interstate or foreign commerce or mailed.

FELON IN POSSESSION OF A FIREARM  
18 U.S.C. § 922(g)

(g) It shall be unlawful for any person -

(1) who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year;

(2) who is a fugitive from justice;

(3) who is an unlawful user of or addicted to any controlled substance (as defined in section 102 or the Controlled Substances Act (21 U.S.C. 802));

(4) who has been adjudicated as a mental defective or who has been committed to a mental institution;

(5) who, being an alien -

(A) is illegally or unlawfully in the United States or;

(B) except as provided in subsection (y)(2), has been admitted to the United States under a non-immigrant visa (as that term is defined in section 101(a)(26) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(26)));

(6) who has been discharged from the Armed Forces under dishonorable conditions;

(7) who, having been a citizen of the United States, has renounced his citizenship;

(8) who is subject to a court order that -

(A) was issued after a hearing of which such person received actual notice, and at which such person had an opportunity to participate;

(B) restrains such person from harassing, stalking, or threatening an intimate partner of such person or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and

- (C) (i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child; or
- (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury; or

(9) who has been convicted in any court of a misdemeanor crime of domestic violence<sup>3</sup>.

to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce.

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<sup>3</sup> When the reauthorization of the violence against Women Act (VAWA) passed on January 5, 2006, a provision of the Gun Control Act was revised pertaining to perpetrators who have been convicted of a misdemeanor crime of domestic violence and subsequently possessed, transported, or received a firearm. The Gun Control Act now includes tribal misdemeanor convictions of domestic violence as a qualifying event for federal prosecution.

Title 18 U.S.C. Section 921. Definitions

(33)(A)...the term "misdemeanor crime of domestic violence" means an offense that -

- (i) is a misdemeanor under Federal, State, or Tribal law; and
- (ii) has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim share a child in common, by a person with who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim.

JUVENILE IN POSSESSION OF HANDGUN  
18 U.S.C. § 922(x)

(1) It shall be unlawful for a person to sell, deliver, or otherwise transfer to a person who the transferor knows or has reasonable cause to believe is a juvenile -

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(2) It shall be unlawful for any person who is a juvenile to knowingly possess -

(A) a handgun; or

(B) ammunition that is suitable for use only in a handgun.

(3) This subsection does not apply to -

(A) a temporary transfer of a handgun or ammunition to a juvenile or to the possession or use of a handgun or ammunition by a juvenile if the handgun and ammunition are possessed and used by the juvenile -

(i) in the course of employment, in the course of ranching or farming related to activities at the residence of the juvenile (or on property used for ranching or farming at which the juvenile, with the permission of the property owner or lessee, is performing activities related to the operation of the farm or ranch), target practice, hunting, or a course of instruction in the safe and lawful use of a handgun;

(ii) with the prior written consent of the juvenile's parent or guardian who is not prohibited by Federal, State, or local law from possessing a firearm, except -

(I) during transportation by the juvenile of an unloaded handgun in a locked container directly from the place of transfer to a place which an activity described in clause (i) is to take place and transportation by the juvenile of that handgun, unloaded and in a locked container, directly from the place at which such an activity took place to the transferor; or

(II) with respect to ranching or farming activities as described in clause (i), a juvenile may possess and use a handgun or ammunition with the prior written approval of the juvenile's parent or legal guardian and at the direction of an adult who is not prohibited by Federal, State or local law from possessing a firearm;

(iii) the juvenile has the prior written consent in the juvenile's possession at all times when a handgun is in the possession of the juvenile; and

(iv) in accordance with State and local law;

(B) a juvenile who is a member of the Armed Forces of the United States or the National Guard who possesses or is armed with a handgun in the line of duty;

(C) a transfer by inheritance of title (but not possession) of a handgun or ammunition to a juvenile; or

(D) the possession of a handgun or ammunition by a juvenile taken in defense of the juvenile or other persons against an intruder into the residence of the juvenile or a residence in which the juvenile is an invited guest.

(4) A handgun or ammunition, the possession of which is transferred to a juvenile in circumstances in which the transferor is not in violation of this subsection shall not be subject to permanent confiscation by the Government if its possession by the juvenile subsequently becomes unlawful because of the conduct of the juvenile, but shall be returned to the lawful owner when such handgun or ammunition is no longer required by the Government for the purposes of investigation or prosecution.

(5) For purposes of this subsection, the term "juvenile" means a person who is less than 18 years of age.

(6) (A) In a prosecution of a violation of this subsection, the court shall require the presence of a juvenile defendant's parent or legal guardian at all proceedings.

(B) The court may use the contempt power to enforce subparagraph (A).

(C) The court may excuse attendance of a parent or legal guardian of a juvenile defendant at a proceeding in a prosecution of a violation of this subsection for good cause shown.

PROHIBITED FIREARMS  
26 U.S.C. § 5861

It shall be unlawful for any person -

- (a) to engage in business as a manufacturer or importer of, or dealer in, firearms without having paid the special (occupational) tax required by section 5801 for his business or having registered as required by section 5802; or
- (b) to receive or possess a firearm transferred to him in violation of the provisions of this chapter; or
- (c) to receive or possess a firearm made in violation of the provisions of this chapter; or
- (d) to receive or possess a firearm which is not registered to him in the National Firearms Registration and Transfer Record; or
- (e) to transfer a firearm in violation of the provisions of this chapter; or
- (f) to make a firearm in violation of the provisions of this chapter; or
- (g) to obliterate, remove, change, or alter the serial number or other identification of a firearm required by this chapter; or
- (h) to receive or possess a firearm having the serial number or other identification required by this chapter obliterated, removed, changed, or altered; or
- (i) to receive or possess a firearm which is not identified by a serial number as required by this chapter; or
- (j) to transport, deliver, or receive any firearm in interstate commerce which has not been registered as required by this chapter; or
- (k) to receive or possess a firearm which has been imported or brought into the United States in violation of section 5844; or
- (l) to make, or cause the making of, a false entry on any application, return, or record required by this chapter, knowing such entry to be false.

DESTRUCTION OF GOVERNMENT PROPERTY  
18 U.S.C. § 1361

Whoever willfully injures or commits any depredation against any property of the United States, or of any department or agency thereof, or any property which has been or is being manufactured or constructed for the United States, or any department or agency thereof, or attempts to commit any of the foregoing offenses, shall be punished as follows:

If the damage or attempted damage to such property exceeds the sum of \$1,000, by a fine under this title or imprisonment for not more than ten years, or both; if the damage or attempted damage to such property does not exceed the sum of \$1,000, by a fine under this title or by imprisonment for not more than one year, or both.

NOTE: *United States v. Erroll D., Jr.*, 292 F.3d 1159 (9<sup>th</sup> Cir. 2001) held that BIA is not a “person;” therefore, the defendant could not be charged under 18 U.S.C. § 1153. This statute should be used if a defendant damages any property that can be tied to the BIA or other agency of the U.S. Government, such as school buildings, police buildings, IHS Hospital, etc.

CONTROLLED SUBSTANCES<sup>4</sup>  
21 U.S.C. § 841

(a) Unlawful acts

Except as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally -

- (1) to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute, or dispense, a controlled substance; or
- (2) to create, distribute, or dispense or possess with intent to distribute or dispense, a counterfeit substance.

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<sup>4</sup> Penalties depend on substance and amount. Other statutes provide enhanced penalties:  
21 U.S.C. § 859 - distribution to juveniles  
21 U.S.C. § 860 - distribution near schools

CONTROLLED SUBSTANCES  
21 U.S.C. § 844

(a) Unlawful acts

It shall be unlawful for any person knowingly or intentionally to possess a controlled substance unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this subchapter or subchapter II of this chapter.

INTERSTATE DOMESTIC VIOLENCE  
18 U.S.C. § 2261

(a) Offenses. -

(1) Travel or conduct of offender. - A person who travels in interstate or foreign commerce or enters or leaves Indian Country with the intent to kill, injure, harass, or intimidate a spouse or intimate partner, and who, in the course of or as a result of such travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

(2) Causing travel of victim. - A person who causes a spouse or intimate partner to travel in interstate or foreign commerce or to enter, leave or reside in Indian Country by force, coercion, duress, or fraud, and who, in the course of, as a result of, or to facilitate such conduct or travel, commits or attempts to commit a crime of violence against that spouse or intimate partner, shall be punished as provided in subsection (b).

(b) Penalties. - A person who violates this section or section 2261A shall be fined under this title, imprisoned -

(1) for life or any term of years, if death of the victim results;

(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;

(3) for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;

(4) as provided for the applicable conduct under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison; and

(5) for not more than 5 years, in any other case, or both fined and imprisoned.

INTERSTATE STALKING  
18 U.S.C. § 2261A

Whoever -

(1) travels in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States, or enters or leaves Indian Country, with the intent to kill, injure, harass, or intimidate another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury to, that person, a member of the immediate family (as defined in section 11) of that person, or the spouse or intimate partner of that person; or

(2) with the intent -

(A) to kill or injure a person in another State or tribal jurisdiction or within the special maritime and territorial jurisdiction of the United States; or

(B) to place a person in another State or tribal jurisdiction, or within the special maritime territorial jurisdiction of the United States, reasonable fear of the death or, or serious bodily injury to -

(i) that person;

(ii) a member of the immediate family (as defined in section 115) or that person; or

(iii) a spouse or intimate partner of that person,

Uses the mail or any facility of interstate or foreign commerce to engage in a course of conduct that placed that person in reasonable fear of the death of, or serious bodily injury to, any of the persons described in clauses (i) through (iii).

shall be punished as provided in section 2261(b).

INTERSTATE VIOLATION OF PROTECTIVE ORDER  
18 U.S.C. § 2262

(a) Offenses. -

(1) Travel or conduct of offender. - A person who travels in interstate or foreign commerce, or enters or leaves Indian Country, with the intent to engage in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, and subsequently engages in such conduct, shall be punished as provided in subsection (b).

(2) Causing travel of victim. - A person who causes another person to travel in interstate or foreign commerce or to enter or leave Indian Country by force, coercion, duress, or fraud, and in the course, or as a result of, or to facilitate such conduct or travel engages in conduct that violates the portion of a protection order that prohibits or provides protection against violence, threats, or harassment against, contact or communication with, or physical proximity to, another person, or that would violate such a portion of a protection order in the jurisdiction in which the order was issued, shall be punished as provided in subsection (b).

(b) Penalties. - A person who violates this section shall be fined under this title, imprisoned -

(1) for life or any term of years, if death of the victim results;

(2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the victim results;

(3) for not more than 10 years, if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense;

(4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A (without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison); and

(5) for not more than 5 years, in any other case, or both fined and imprisoned.

# ELEMENTS



## **ELEMENTS**

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### ARSON 18 U.S.C. § 81

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant set or attempted to set fire to or burn any
  - a) building
  - b) structure or vessel
  - c) machineryOR
  - d) building materials or suppliesAND
4. That the defendant did so willfully and maliciously.

ASSAULT WITH INTENT TO COMMIT MURDER  
18 U.S.C. § 113(a)(1)

1. That either the defendant or the victim is an Indian person,

AND

2. That the crime occurred within Indian Country,

AND

3. That the defendant intentionally struck or wounded the victim

OR

used a display of force that reasonably caused the victim to fear immediate bodily harm,

AND

4. That the defendant did so with the specific intent to commit murder.

ASSAULT WITH INTENT TO COMMIT ANY FELONY  
18 U.S.C. § 113(a)(2)

1. That either the defendant or the victim is an Indian person,

AND

2. That the offense occurred within Indian Country,

AND

3. That the defendant intentionally struck or wounded the victim,

OR

used a display of force that reasonably caused the victim to fear immediate bodily harm,

AND

4. That the defendant did so with the specific intent to commit a felony (except murder or a felony under chapter 109A).

ASSAULT WITH DANGEROUS WEAPON  
18 U.S.C. § 113(a)(3)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant intentionally struck or wounded the victim  
OR  
used a display of force that reasonably caused the victim to fear immediate  
bodily harm,  
AND
4. That the defendant acted with the specific intent to do bodily harm,  
AND
5. That the defendant used a weapon.

ASSAULT BY STRIKING, BEATING OR WOUNDING  
18 U.S.C. § 113(a)(4)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant intentionally struck or wounded the victim.

ASSAULT OF AN INDIVIDUAL UNDER THE AGE OF 16  
18 U.S.C. § 113(a)(5)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant knowingly assaulted the victim,  
AND
4. That the victim has not attained the age of 16 years.

ASSAULT RESULTING IN SERIOUS BODILY INJURY<sup>5</sup>  
18 U.S.C. § 113(a)(6)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant intentionally struck or wounded the victim,  
AND
4. That, as a result, the victim suffered serious bodily injury.

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<sup>5</sup> Although there are many assaults which result in serious bodily injury, it should be noted that this category may encompass cases where an individual has caused serious bodily injury to an individual as the result of a drunk driving crash.

ASSAULT RESULTING IN SUBSTANTIAL BODILY INJURY  
18 U.S.C. § 113(a)(7)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant intentionally [struck] [wounded] the victim,  
AND
4. That, as a result, the victim suffered serious bodily injury,  
AND
5. That the victim had not attained the age of 16 years.

MAIMING  
18 U.S.C. § 114

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the offense occurred within Indian Country,  
  
AND
3. That the defendant with intent to torture, maim, or disfigure,
  - a) cuts, bites, slits the nose, ear or lip,
  - b) cut out or disables the tongue,
  - c) puts out or destroys an eye,
  - d) cuts off or disables a limb or any member of another person,  
OR
  - e) throws or pours any scalding water, corrosive acid, or caustic substance on another person.

DOMESTIC ASSAULT BY A HABITUAL OFFENDER  
18 U.S.C. § 117

1. That the defendant has at least two prior documented convictions<sup>6</sup> of any assault, sexual abuse or serious violent felony against a spouse or intimate partner;

AND

2. The act of any assault, sexual abuse or serious violent felony against a spouse or intimate partner occurred AFTER January 5, 2006.

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<sup>6</sup> The convictions can be documented with written judgments from federal, state or tribal courts.

THEFT  
18 U.S.C. § 661

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant did take and carry away the personal property of another,  
AND
4. That the defendant did so with the intent to steal or purloin,  
AND
5. That the property is of a value of more than \$1,000.

MURDER  
First Degree  
18 U.S.C. § 1111

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant unlawfully killed a human being,  
AND
4. That the defendant killed with malice aforethought,<sup>7</sup>  
AND
5. That the killing was premeditated.<sup>8</sup>

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<sup>7</sup> To Kill with malice aforethought means to kill either deliberately and intentionally or recklessly with extreme disregard for human life.

<sup>8</sup> Premeditation means with planning or deliberation. The amount of time needed for premeditation of a killing depends on the person and the circumstances. It must be long enough, after forming the intent to kill, for the killer to have been fully conscious of the intent and to have considered the killing.

MURDER  
Second Degree  
18 U.S.C. § 1111

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant killed a human being,  
AND
4. That the defendant killed with malice aforethought.<sup>9</sup>

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<sup>9</sup> To kill with malice aforethought means to kill either deliberately and intentionally or recklessly with extreme disregard for human life.

MANSLAUGHTER  
Voluntary  
18 U.S.C. § 1112

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant unlawfully killed a human being,  
  
AND
4. That the defendant either intended to kill the victim but the killing was without malice aforethought, that is, the defendant acted upon a sudden quarrel or heat of passion, or the defendant acted with reckless disregard for human life.

MANSLAUGHTER  
Involuntary  
18 U.S.C. § 1112

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian Country,  
  
AND
3. That the defendant committed an unlawful act not amounting to a felony, or committed a lawful act, done either in an unlawful manner or with wanton or reckless disregard for human life, which might produce death,  
  
AND
4. That the defendant's act was the proximate cause of the death of the victim. A proximate cause is one which played a substantial part in bringing about the death, so that the death was the direct result or a reasonably probable consequence of the defendant's act,  
  
AND
5. That the killing was unlawful,  
  
AND
6. That the defendant either knew that such conduct was a threat to the lives of others or knew of circumstances that would reasonably cause the defendant to foresee that such conduct might be a threat to the lives of others.

FAILURE TO REPORT CHILD ABUSE  
18 U.S.C. § 1169

1. That the defendant is a person defined in 18 U.S.C. § 1169(a),  
  
AND
2. The defendant knew or had reasonable suspicion that a child was abused in Indian Country  
  
OR  
  
that actions were taken, or going to be taken that would reasonably be expected to result in abuse of a child in Indian Country;  
  
AND
3. The defendant failed to immediately report the abuse or actions to local child protective services agency or local law enforcement agency.

KIDNAPPING  
18 U.S.C. § 1201(a)(2)

1. That the defendant is an Indian person,  
  
AND
2. That the kidnapping occurred within Indian Country,  
  
AND
3. That the defendant seized, confined, inveigled, decoyed, kidnapped, or abducted the victim,  
  
AND
4. That the defendant held the victim for ransom, reward or other benefit or purpose.

ROBBERY  
18 U.S.C. § 2111

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant did take, or attempt to take, from the person or presence of another, something of value,  
AND
4. That the defendant did so by force and violence or intimidation.

AGGRAVATED SEXUAL ABUSE

Force

18 U.S.C. § 2241(a)

1. That either the defendant or the victim is an Indian person,

AND

2. That the crime occurred within Indian Country,

AND

3. That the defendant knowingly used force

OR

threatened or placed the victim in fear that some person would be subject to death, serious bodily injury or kidnapping,

AND

4. That the defendant caused the victim to engage in a sexual act.

AGGRAVATED SEXUAL ABUSE  
Other Means  
18 U.S.C. § 2241(b)

1. That either the defendant or the victim is an Indian person,  
  
AND
2. That the crime occurred within Indian County,  
  
AND
3. That the defendant knowingly administered a drug, intoxicant or other similar substance to the victim by force or threat of force  
  
OR  
  
without the knowledge or permission of the victim,  
  
AND
4. That as a result, the victim's ability to judge or control conduct was substantially impaired,  
  
AND
5. That the defendant then engaged in a sexual act with the victim.

AGGRAVATED SEXUAL ABUSE  
Child  
18 U.S.C. § 2241(c)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant knowingly engaged in a sexual act with the victim,  
AND
4. That at the time, the victim had not yet reached the age of twelve years.

SEXUAL ABUSE  
Threat  
18 U.S.C. § 2242(1)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant knowingly caused the victim to engage in a sexual act by threatening or placing the victim in fear.

SEXUAL ABUSE  
Incapacitated or Handicapped Victim  
18 U.S.C. § 2242(2)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant knowingly engaged in a sexual act with the victim,  
AND
4. That the victim was incapable of recognizing the nature of the conduct  
OR  
physically incapable of declining participation in  
OR  
communicating unwillingness to engage in that sexual act.

STATUTORY SEXUAL ABUSE  
18 U.S.C. § 2243(a)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant knowingly engaged in a sexual act with the victim,  
AND
4. That the victim had reached the age of twelve years but had not yet reached the age of sixteen years,  
AND
5. That the victim was at least four years younger than the defendant.

SEXUAL ABUSE OF A WARD  
18 U.S.C. § 2243(b)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant knowingly engaged in a sexual act with the victim,  
AND
4. That at the time the victim was in official detention at a facility,  
AND
5. That the victim was under the custodial, supervisory or disciplinary authority of the defendant.

## ABUSIVE SEXUAL CONTACT

### General

#### 18 U.S.C. § 2244(a)

The offenses defined in 18 U.S.C. §§ 2241, 2242 and 2243 as sexual abuse become abusive sexual contact under 18 U.S.C. § 2244 if there was not a “sexual act” but there was a “sexual contact.” Those terms are defined in Sections 2246(2) and (3). Accordingly, when it is necessary to instruct a jury on abusive sexual contact, the appropriate sexual abuse instruction should be used with “a sexual contact” substituted for “a sexual act.”

Section 2244 does not make it a crime to attempt a sexual contact.

ABUSIVE SEXUAL CONTACT  
In Other Circumstance  
18 U.S.C. § 2244(b)

1. That either the defendant or the victim is an Indian person,  
AND
2. That the offense occurred within Indian Country,  
AND
3. That the defendant knowingly had sexual contact with the victim,  
AND
4. That the sexual contact was without the victim's permission.

SEXUAL ABUSE RESULTING IN DEATH  
18 U.S.C. § 2245

When it is necessary to instruct a jury on sexual abuse resulting in death, the appropriate sexual abuse instruction should be used with the following element added:

\*\* that the sexual act resulted in the death of the victim.

ASSAULT ON FEDERAL OFFICER  
18 U.S.C. § 111

1. That either the defendant or the victim is an Indian person,  
AND
2. That the crime occurred within Indian Country,  
AND
3. That the defendant intentionally used force,  
AND
4. That the defendant did so while the federal officer was engaged in, or on account of his/her official duties;  
AND
5. That the defendant used a weapon/inflicted bodily injury.

COERCION AND ENTICEMENT  
18 U.S.C. § 2422(b)

1. That the defendant used the mail or any facility or means of interstate foreign commerce;
2. To knowingly persuade, induce, entice or coerce;
3. An individual who has not attained the age of eighteen or whom the defendant believed had not attained the age of eighteen;

AND

4. To engage in a sexual activity for which any person can be charged with a criminal offense or took a substantial step towards doing so.

FAILURE TO REGISTER AS A SEXUAL OFFENDER  
18 U.S.C. § 2250(a)

1. That the defendant is a sex offender by reason of a conviction under state law;

AND

2. That the defendant is a person required to register under the Sex Offender Registration and Notification Act;

AND

3. That the defendant knowingly failed to register and/or update his registration;
4. That the defendant traveled in interstate or foreign commerce.

POSSESSION OF CHILD PORNOGRAPHY  
2252A(a)(5)(B)

1. That the defendant knowingly possessed computer disks or any other material which the defendant knew contained visual depictions of minor engaged in sexually explicit conduct;

AND

2. That the defendant knew the visual depictions contained in the computer disks or any other material contained minors engaged in sexually explicit conduct;

AND

3. That the defendant knew that production of such visual depictions involved use of minor in sexually explicit conduct;

AND

4. That each visual depiction had been either
  - (a) mailed or shipped or transported in interstate or foreign commerce by any means, including by computer; or
  - (b) produced using material that had been mailed or shipped or transported in interstate or foreign commerce by any means, including by computer.

RECEIPT/DISTRIBUTION OF CHILD PORNOGRAPHY  
18 U.S.C. § 2252A(a)(2)

1. That the defendant knowingly received a visual depiction in interstate or foreign commerce by any means, including a computer;

AND

2. That the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct;

AND

3. That such visual depiction was of a minor engaging in sexually explicit conduct;

AND

4. That the defendant knew that such visual depiction was of sexually explicit conduct;

AND

5. That the defendant knew that at least one of the persons engaged in sexually explicit conduct in such visual depiction was a minor.

TRANSFER OF OBSCENE MATERIAL TO MINORS  
18 U.S.C. § 1470

1. That the defendant used the mail or any facility or means of interstate or foreign commerce;
2. To knowingly transfer obscene material;

AND

3. To an individual that the defendant knew was under the age of sixteen years.

TRANSPORTATION OF CHILD PORNOGRAPHY  
18 U.S.C. § 2252A(a)(1)

1. That the defendant knowingly transported a visual depiction in interstate or foreign commerce by any means, including a computer;

AND

2. That the production of such visual depiction involved the use of a minor engaging in sexually explicit conduct;

AND

3. That such visual depiction was of a minor engaged in sexually explicit conduct;

AND

4. That the defendant knew that such visual depiction was of sexually explicit conduct;

AND

5. That the defendant knew that at least one of the persons engaged in sexually explicit conduct in such visual depiction was a minor.

SEXUAL EXPLOITATION OF CHILDREN  
18 U.S.C. § 2251(a)

1. That at the time, the victim was under the age of eighteen years;

AND

2. That the defendant employed, used, persuaded, induced, enticed or coerced the minor to take part in or had a minor assist any other person to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;

AND

3. That the visual depiction was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce.

SEXUAL EXPLOITATION OF CHILDREN

By Parent or Guardian

18 U.S.C. § 2251(b)

1. That at the time, the victim was under the age of eighteen years;  
  
AND
2. That the defendant was the parent, legal guardian or person having custody or control of the minor;  
  
AND
3. That the defendant knowingly permitted such minor to engage in sexually explicit conduct for the purpose of producing any visual depiction of such conduct;  
  
AND
4. That the visual depiction was produced using materials that had been mailed, shipped, or transported across state lines or in foreign commerce.

UNLAWFUL POSSESSION OF FIREARM  
Convicted of Felony  
18 U.S.C. § 922(g)(1)

1. That the defendant knowingly possessed in or affecting commerce a firearm,  
  
AND
2. That at the time the defendant possessed the firearm he had been convicted of a felony.

UNLAWFUL POSSESSION OF FIREARM  
Subject to Court Order  
18 U.S.C. § 922(g)(8)

1. That the defendant knowingly possessed in or affecting commerce a firearm,  
  
AND
2. That at the time the defendant was subject to a qualifying court order.

UNLAWFUL POSSESSION OF FIREARM  
Convicted of Domestic Violence  
18 U.S.C. § 922(g)(9)<sup>10</sup>

1. That the defendant knowingly possessed a firearm in or affecting commerce,  
  
AND
2. That prior to that date, the defendant had been conviction of a misdemeanor crime of violence.

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<sup>10</sup> 1. Federal, state, or tribal misdemeanor crime of domestic violence conviction which meets the definition of section 922(33)(A)(ii); and

*Remember: Tribal Judges must spell out in their judgments/orders of conviction the following elements for the tribal conviction to qualify:*

A. A DEFENDANT IS CONVICTED DOING ONE OF THE FOLLOWING THINGS:

1. use physical force against a victim;
2. attempt to use physical force against a victim; or
3. threaten to use a deadly weapon against a victim.

B. THE DEFENDANT MUST QUALIFY AS ONE OF THE FOLLOWING:

1. a current spouse;
2. a former spouse;
3. a parent;
4. a guardian of the victim;
5. a person with whom the victim share a child in common;
6. a person who is cohabiting with the victim;
7. a person who "has" cohabited with the victim as a spouse, parent, or guardian; or
8. by a person similarly situated to a spouse, parent, or guardian of the victim.

UNLAWFUL POSSESSION OF FIREARM  
Juvenile in Possession of a Handgun  
18 U.S.C. § 922(x)

1. That the defendant had not attained the age of 18 years,

AND

2. That the juvenile knowingly possessed a handgun or ammunition that is suitable for use only in a handgun.

UNLAWFUL POSSESSION OF FIREARM  
Sawed Off Shotgun/Machine Gun  
26 U.S.C. § 5862(d)

1. That the defendant knowingly possessed a shotgun having a barrel or barrels of less than 18 inches in length,

AND

2. That the firearm was not registered to the defendant in the National Firearms Registration and Transfer Record,

AND

3. That the defendant knew the characteristics of the weapon that brought it within the definition of a firearm under the National Firearms Act, that is the defendant knew he possessed a shotgun with a barrel length shorter than 18 inches or with an overall length less than 26 inches,

OR

That the defendant knew the firearm was designed or modified to fire automatically,

AND

4. That the shotgun was capable of being fired, or could be readily restored to do so.

UNLAWFUL POSSESSION OF FIREARM  
No Serial Number  
26 U.S.C. §5862(I)

1. That the defendant knowingly possessed a firearm,  
  
AND
2. That there was no serial number on the firearm.

DESTRUCTION OF GOVERNMENT PROPERTY  
18 U.S.C. § 1361

1. That the defendant committed a depredation against property of an agency of the United States;

AND

2. The defendant did so willfully;

AND

3. The damage to the property exceeded \$1,000.

CONTROLLED SUBSTANCES  
Distribution  
21 U.S.C. § 841(a)(1)

1. That the defendant intentionally delivered [substance] to [\_\_\_\_\_],

AND

2. That the defendant knew that it was [substance] or some other prohibited drug.

CONTROLLED SUBSTANCES  
Possession with Intent to Distribute  
21 U.S.C. § 841(a)(1)

1. That the defendant knowingly possessed [substance],  
  
AND
2. That the defendant possessed it with intent to deliver it to another person.

CONTROLLED SUBSTANCES  
Distribution to Juvenile  
21 U.S.C. §§ 841(a)(1), 859

1. That the defendant knowingly delivered [substance] to [\_\_\_\_],  
AND
2. That the defendant knew that it was [substance] or some other prohibited drug,  
AND
3. That the defendant was at least 18 years of age,  
AND
4. [\_\_\_\_] was under 21 years of age.

CONTROLLED SUBSTANCES  
Distribution Near Schools  
21 U.S.C. §§ 841(a)(1), 860

1. That the defendant intentionally delivered [substance] to [\_\_\_\_\_],  
AND
2. That the defendant knew that it was [\_\_\_\_\_] or some other prohibited drug,  
AND
3. The delivery took place in, on or within 1,000 feet of the  
[schoolyard][campus].

INTERSTATE DOMESTIC VIOLENCE  
Crossing a State Line  
18 U.S.C. § 2261(a)(1)

1. That the defendant traveled across a State line

OR

entered/left Indian Country

AND

2. That the defendant did so with the intent to kill, injure, harass, intimidate his spouse or intimate partner,

AND

3. That in the course of or as a result of the defendant's travel he intentionally committed a crime of violence against that spouse or intimate partner.

INTERSTATE DOMESTIC VIOLENCE  
Causing the Crossing of a State Line  
18 U.S.C. § 2261(a)(2)

1. That the defendant caused his spouse or intimate partner to cross a State line  
  
OR  
  
enter/leave Indian Country,  
  
AND
2. That the defendant did so by force, coercion, duress, or fraud,  
  
AND
3. That in the course of or as a result of the defendant's conduct, he intentionally committed a crime of violence against his spouse or intimate partner.

INTERSTATE STALKING  
Traveling  
18 U.S.C. § 2261A

1. That the defendant traveled across a state line,  
  
OR  
  
entered/left Indian Country,  
  
AND
2. That the defendant did so with the intent to kill, injure, harass or intimidate another person,  
  
AND
3. That in the course of, or as a result of such travel, the defendant placed that other person in reasonable fear of the death or, or serious bodily injury to that person  
  
OR  
  
a member of that person's immediate family  
  
OR  
  
the spouse or intimate partner of that person.

INTERSTATE STALKING  
Use of Mail  
18 U.S.C. § 2261A

1. That the defendant used the mail or any facility of interstate or foreign commerce,

AND

2. That the defendant did so with the intent to kill or injure a person in another state of tribal jurisdiction,

OR

Did so with the intent to place a person in another state or tribal jurisdiction in reasonable fear of the death or, or serious bodily injury to

- (i) that person, or
- (ii) a member of the immediate family of that person, or
- (III) a spouse or intimate partner of that person

AND

3. That the defendant thereby placed that person in reasonable fear of, or serious bodily injury to, any of the persons described in (i), (ii), or (iii).

INTERSTATE VIOLATION OF PROTECTIVE ORDER  
Crossing a State Line  
18 U.S.C. § 2262(a)(1)

1. That the defendant traveled across a state line

OR

entered/left Indian Country,

AND

2. That the defendant did so with the intent to engage in conduct that would violate the portion of a protective order that involved protection against threats, violence, harassment, contact or communication to the person or persons for whom the protection order was issued.

AND

3. That the defendant subsequently engaged in such conduct.

INTERSTATE VIOLATION OF PROTECTIVE ORDER  
Causing the Crossing of a State Line  
18 U.S.C. § 2262(a)(2)

1. That the defendant caused another person to travel across a state line  
  
OR  
  
enter/leave Indian Country,  
  
AND
2. That the defendant did so by force, coercion, duress or fraud,  
  
AND
3. That in the course of or as a result of that conduct, the defendant engaged in conduct that would violate the portion of a protective order that involved protection against threats, violence, harassment, contact or communication to the person or persons for whom the protection order was issued,  
  
AND
4. That the defendant subsequently engaged in such conduct.

# STATEWIDE NATIVE AMERICAN CONFERENCE



## **STATEWIDE NATIVE AMERICAN CONFERENCE**

As of 2013, we have sponsored 17 statewide Native American Conferences in the District of Nevada. This year, the conference will be held in Reno, Nevada and will run from August 25, 2014, through August 27, 2014. Each year this conference gives everyone a great opportunity to meet, learn, discuss and address some very topical and critical issues facing not only our tribes, but also our society in general.

The conferences are held over a three-day period and are open to all Tribal chairs, administrators, social and health care workers, law enforcement, court personnel and others who might benefit from attending. Historically, scholarships are offered to individuals who would not be able to attend otherwise.



# NATIVE AMERICAN NETWORK



## **NATIVE AMERICAN NETWORK**

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The *Native American Network* is a publication that the United States Attorney's office in the District of Nevada sends out several times a year. The *Native American Network* serves several purposes, but mainly serves as a community outreach tool. The publication notifies the Tribes of upcoming events, including the statewide Native American Conference, various grants, and it also provides a summary and update for all Indian Country cases that have been charged in the District of Nevada. The "case tracking method" through the *Native American Network* allows all the Tribal officials and members to view the progress and eventual outcome of Indian Country cases charged in the District of Nevada.



# NATIVE AMERICAN NETWORK

July 2013

District of Nevada

## BLACK ROCK DESERT Northwest Nevada



### Daniel G. Bogden United States Attorney

U.S. Attorney's Office, Las Vegas  
U.S. Attorney's Office, Reno

(702) 388-6336; (800) 539-8002; fax: (702) 388-6418  
(775) 784-5438; (800) 303-5545; fax: (775) 784-5181

# NATIVE AMERICAN NETWORK

## FROM THE DESK OF DANIEL G. BOGDEN, UNITED STATES ATTORNEY

Let me start by passing along some good news. On June 17, 2013, our office received approval from the Department of Justice to conduct our 17th State-Wide Native American Conference. The conference has always provided us with the opportunity to disseminate educational and informational materials to service providers, tribal members, social workers, and law enforcement regarding the many issues facing our tribes and tribal members. It also allows us to address legal education, changes in the law, trends, developing community partnerships and promoting traditional values. We requested approval for the conference well in advance, however, due to the federal budget cuts and sequester, we just received word that it had been authorized. As a result of the hard work of Debbie Waite and Debbie Salas, we have reserved lodging and facilities, and are putting together an excellent agenda including a number of knowledgeable speakers and presenters. You can help us by signing up as soon as possible and attending this year's conference.

As to the bad news, our current budget situation remains bleak. Earlier this year, the sequester cut more than \$1.6 billion from the Justice Department's budget for Fiscal Year (FY) 2013. The Nevada U.S. Attorney's Office budget was reduced by more than \$1 million, which caused us to cut back on the publication and production of our Native American newsletter and almost forced us to cancel this year's conference. We have also had to impose a strict hiring freeze, and are not permitted to hire or backfill departing or retiring personnel. Despite all of our successes and accomplishments in prior years, the operation of our office and our priority initiatives and programs are being thwarted by across the board sequestration.

Unfortunately, the budget picture does not appear to be improving. With the approval of Congressional appropriators, the Justice Department avoided furloughs for FY 2013, temporarily allowing federal law enforcement agents, prosecutors, prison guards and other staff to stay on the job so that they continue to protect communities, investigate crimes, and bring criminals to justice. However, that was only a temporary fix. The effects and impacts of sequestration are real – and will only get worse. Unless Congress adopts a balanced deficit reduction plan and stops the reductions

currently slated for 2014, the Justice Department will have no choice but to institute furloughs in FY 2014. This is due to the fact that the Justice Department's mandatory sequestration cut will increase by more than 40% from the \$1.6 billion cut in FY 2013 to a \$2.2 billion cut in FY 2014. If this happens, our capacity to protect our citizens, to safeguard vital programs and precious resources, and to hold criminals responsible – will be further reduced.



The 17th State-Wide Native American Conference will be held from August 26 through August 28, 2013, at the Grand Sierra Hotel Casino in Reno, Nevada. The theme of the three-day conference will be "Working Together for Hope, Healing, and Justice". Each year, this conference assists the U.S. Attorney's Office in improving public safety, eases and enhances the tribes' ability to receive federal support, and strengthens collaboration with our tribal partners. We certainly hope everyone will attend. As in prior years, I am confident that this will be an informational, educational and productive conference.

Since we have not been able to publish our newsletter, I need to provide some dated, but noteworthy information. The Justice Department awarded four northern Nevada Indian tribes over \$1.2 million in grants to assist them in their crime prevention and law enforcement efforts and to provide services for victims and youth. Nevada tribes were included in the 200 grants totaling over \$101 million that were made to more than 110 American Indian and Alaska Native nations. Those grant awards must be used to enhance law enforcement practices, sustain crime prevention and intervention efforts in 10 purpose areas including public safety and community policing; justice systems planning; alcohol and substance abuse; corrections and correctional alternatives; violence against women; elder abuse; juvenile justice; and tribal youth programs. Nevada tribes receiving awards were the Fallon Paiute-Shoshone Tribe,

# NATIVE AMERICAN NETWORK

Pyramid Lake Paiute Tribe, Reno Sparks Indian Colony, and Washoe Tribe of Nevada and California. More information on the awards is available at <http://www.justice.gov/tribal/docs/ctas-award-list-2012.pdf>. The awards are made through the department's Coordinated Tribal Assistance Solicitation (CTAS), a single application for tribal-specific grant programs. Information about the consolidated solicitation is available at <http://www.justice.gov/tribal/grants.html>. A fact sheet on CTAS is available at [www.justice.gov/tribal/ctas2012/ctas-factsheet.pdf](http://www.justice.gov/tribal/ctas2012/ctas-factsheet.pdf).

The International Association of Chiefs of Police (IACP), Indian Country Law Enforcement Section, selected Police Chief Janey Blackeye Bryan as the Indian Country Law Enforcement Officer of the Year for the United States and Canada First Nations. Congratulations to Chief Bryan, the Duckwater Shoshone Tribal Leadership, and the people of the Duckwater Shoshone Tribe. The award was presented September 30, 2012, during the IACP Annual Conference in San Diego. Chief Bryan's name and the award description were displayed at the Convention Center and her picture appeared in the Police Chief magazine January issue circulated to over 20,000 IACP members. Congratulations Chief Bryan from all the members of the Nevada U.S. Attorney's Office.

I would like to offer special congratulations to Shannon Hooper, who was named Miss Indian Nations. Shannon was crowned in September 2012 during the 43rd annual United Tribes International Powwow held in Bismarck, North Dakota. Shannon is a member of the Shoshone-Paiute tribe and a student at Western Nevada College. She became the 20th Miss Indian Nations. The annual Powwow is held at United Tribes Technical College in Bismarck and draws thousands of people from around the country. I was attending AGAC/NAIS meetings at the United Tribes Technical College at the time and had the great pleasure to meet and speak with Shannon as well as the other candidates.



Shannon is a most impressive and talented individual, fully deserving of the selection and the honor of being crowned Miss Indian Nations. Congratulations Shannon on your well-deserved achievement.

Also, a number of young men and women from tribal communities across the country were selected to attend a week-long 2012 National Intertribal Youth Summit in Washington, D.C. that featured administration officials from the White House and the Departments of Justice, Interior, Health and Human Services and Energy. The multi-agency summit provided a unique opportunity for tribal youth to identify, learn, and practice leadership skills in their community to make a difference in Indian Country. More than 160 youth from tribes across the nation were joined by U.S. government representatives, youth advocates, and field experts to engage in interactive discussions on topics including education, health, cultural preservation, civic engagement, and leadership development. Nevada Tribal youth selected for the summit were Derek Imus, Terrell Ortero, and Tyrus Johnson of the Reno Sparks Indian Colony; Carissa Lockwood and Ysela Brown of the Walker River Paiute Tribe; Sarah Medicine Crow of the Washoe Tribe of Nevada and California; and Jeanne McDarment, Devin Brown, and Haelee Mitchell of the Yerington Paiute Tribe. Congratulations to these outstanding men and women who have so capably represented their tribes at the summit.

As always, I know many of you have ideas and recommendations on how we can improve our work, relationships and effectiveness in improving public safety on tribal lands. We are always interested in improvement and in finding ways to create better communication and coordination to fight crime and promote justice in Indian Country. We welcome such dialogue, recommendations and suggestions. If you ever have questions or concerns, please do not hesitate to contact me at (702) 388-6567 or via e-mail at [Daniel.Bogden@usdoj.gov](mailto:Daniel.Bogden@usdoj.gov). You might also find answers to your questions in the resources and publications that are available in the "Tribal Matters" section of our website at [http://www.justice.gov/usao/nv/programs\\_tribal.html](http://www.justice.gov/usao/nv/programs_tribal.html).

# NATIVE AMERICAN NETWORK

## INDIAN COUNTRY CASE UPDATE



**BRENDON PAUL MARTINEZ**, Ely Indian Colony, was charged by Misdemeanor Information on July 7, 2011, for Simple Assault. Martinez entered a plea of guilty on March 20, 2012. He was sentenced on June 19, 2012, to probation for 3 years.

**PHILLIP YESSLITH**, Fallon Paiute-Shoshone Indian Reservation, was indicted by the Federal Grand Jury on July 27, 2011, to one count of Assault with a Deadly Weapon and one count of Assault Resulting in Serious Bodily Injury. Yesslith entered a plea of guilty to count one on October 11, 2011. He was sentenced on November 1, 2012, to 5 years of probation for one count of Assault with a Deadly Weapon. The charge of Assault Resulting in Serious Bodily Injury was dismissed.

**TAMMY LEE CALICO**, Elko Indian Colony, was indicted by the Federal Grand Jury on August 10, 2011, with Destruction of Property. A Superseding Misdemeanor Information was filed on May 7, 2012, charging one count of Willful Injury to Property of the United States. Calico entered a plea of guilty to the Superseding Misdemeanor Information on May 7, 2012, and was sentenced on August 20, 2012, to 6 months probation and restitution. Defendant appealed her sentence to the Ninth Circuit Court of Appeals which resulted in the restitution portion of her sentence to be vacated.

**JOHN RUSSELL HART**, Duck Valley, was indicted by the Federal Grand Jury on November 30, 2011, with one count of Assault Causing Serious Bodily Injury and four counts of Assaulting a Federal Officer. Defendant plead guilty to one count of Assault Causing Bodily Injury; the other charges were dismissed. He was sentenced on November 13, 2012, to 30 months in prison and 3 years of supervised release.

**VERLE RAY MOON**, Te-Moak Tribe of Western Shoshone - Elko, was indicted by the Federal Grand Jury on April 25, 2012, with one count of Embezzlement and Theft from Indian Tribal Organization. A Superseding Information was filed against Moon on September 25, 2012, with two counts of Embezzlement and Theft from Indian Tribal Organization. He plead guilty to one count and the second count was dismissed. He was sentenced November 8, 2012, to restitution in the amount of \$1,411.90, probation was terminated because Moon paid the restitution in full.

**GORDON DANE GARCIA**, Duck Valley, was indicted by the Federal Grand Jury on November 30, 2011, with one count of Attempted Sexual Abuse of a Minor and one count of Abusive Sexual Contact. On September 25, 2012, a Superseding Information was filed charging defendant with one count of Misprison of Felony, Defendant plead guilty to the Superseding Information. He was sentenced on January 24, 2013, to 3 years probation.

**DANIEL JAMES DRAPER**, Te-Moak Tribe of Western Shoshone - Battle Mountain, was indicted by the Federal Grand Jury on January 4, 2012, with one count of Murder within Indian Country. Jury trial is scheduled for September 24, 2013.

**RYAN GLENWOOD KELLY**, Duck Valley, was indicted by the Federal Grand Jury on March 7, 2012, with one count of Sexual Abuse of a Minor.

He plead guilty to the charge on August 17, 2012. His sentencing is scheduled for October 21, 2013.

**ASHLEY PAIGE TOM and LANE CHARLES TOM**, Fort McDermitt, were indicted by the Federal Grand Jury on January 18, 2012, with one count of Assault Causing Serious Bodily Injury. A Superseding Misdemeanor Information was filed on May 3, 2012, charging each defendant with one count of "Class B" Misdemeanor Assault. Defendants plead guilty to the Superseding Misdemeanor Information. Ashley Paige Tom was sentenced on August 6, 2012, to probation for 3 years. Lane Charles Tom was sentenced August 21, 2012, to probation for 3 years.

**MICHELLE MARONEY and NEVA BILL**, Reno-Sparks Indian Colony, was indicted by the Federal Grand Jury on April 25, 2012, with one count of Possession with Intent to Distribute a Controlled Substance (Methamphetamine), and one count of Aiding and Abetting. Neva Bill plead guilty on August 13, 2012, and was sentenced November 13, 2012, to 6 months in prison and 3 years of supervised release. Michelle Maroney plead guilty to the charges on October 30, 2012, her sentencing is scheduled for August 5, 2013.

**CHAD WILLIAM CRUTCHER**, Fort McDermitt, was indicted by the Federal Grand Jury on October 24, 2012, with one count of Domestic Assault by a Habitual Offender. Defendant plead not guilty at his initial appearance. Jury trial is scheduled for October 22, 2013.

**STEWART EVELAND**, Fort McDermitt, was indicted by the Federal Grand Jury on December 11, 2012, with one count of Assault on a Minor.

**BILLY JOE GARFIELD and KIRBY PARADISE**, Fort McDermitt, were indicted by the Federal Grand Jury on November 28, 2012, with one count of Assault with a Dangerous Weapon, and one count of Destruction of Property. Defendants have plead not guilty to the charges. Trial is scheduled for October 8, 2013.

**EUGENCIO GARCIA**, Reno Sparks Indian Colony, was indicted by the Federal Grand Jury on December 12, 2013, with one count of Abusive Sexual Contact with a Minor.

**KELLY JEROME MANN**, Lovelock Indian Colony, was indicted by the Federal Grand Jury on March 20, 2013, with one count of Possession with Intent to Distribute a Controlled Substance. Defendant plead not guilty at his initial appearance. Jury trial is scheduled for October 8, 2013.

**RAYMOND ELLISON BROWN, JR.**, Walker River Indian Reservation, was indicted by the Federal Grand Jury on June 12, 2013, with one count of Sexual Contact with a Minor, and one count of Sexual Abuse of a Minor.

**JAMES JEREMY PAINTER**, Washoe Indian Reservation, was indicted by the Federal Grand Jury on February 13, 2013, with one count of Assault with a Dangerous Weapon. Defendant plead not guilty at his initial appearance. Jury trial is scheduled for October 22, 2013.

# NATIVE AMERICAN NETWORK

## INDIAN COUNTRY CASE UPDATE

**TERRY DALE JONES**, Elko Indian Colony, was indicted by the Federal Grand Jury on February 13, 2013, with one count of Assault with a Dangerous Weapon. Defendant plead not guilty at his arraignment. Jury trial is scheduled for October 10, 2013.

**ANDREW DAVIS**, Pyramid Lake Indian Reservation, was indicted by the Federal Grand Jury on March 6, 2013, with one count of Assault Causing Serious Bodily Injury. Defendant plead not guilty at his initial appearance. Jury trial is scheduled for September 10, 2013.

**MARVIN DUANE PHOENIX**, Fallon Indian Reservation, was indicted by the Federal Grand Jury on June 12, 2013, with one count of Assault with a Dangerous Weapon, and one count of Felon in Possession of a Firearm. Defendant plead not guilty at his initial appearance. Jury trial is scheduled for August 20, 2013.

**DANIEL JAMES HUNTER**, Reno Sparks Indian Colony, was indicted by the Federal Grand Jury on April 10, 2013, with one count of Possession with Intent to Distribute a Controlled Substance (Methamphetamine). Defendant plead not guilty at his initial appearance. Jury trial is scheduled for September 10, 2013.

**LESTER ROGER DECKER**, Battle Mountain Indian Country, was indicted by the Federal Grand Jury on May 1, 2013, with one count of Aggravated Sexual Abuse in Indian Country. Defendant plead not guilty at his arraignment. Jury Trial is scheduled for August 6, 2013.

**APRIL SKY PETE**, Fort McDermitt, was indicted by the Federal Grand Jury on July 18, 2012, with one count of Assaulting a Federal Officer. A Superseding Misdemeanor Information was filed on December 3, 2012, charging one count of Assault on a Federal Officer. Defendant entered a plea of guilty to the Superseding Misdemeanor Information on December 12, 2012, and was sentenced on April 16, 2013, to 3 years probation.

**CHRISTOPHER WAYNE WADSWORTH**, Pyramid Lake Indian Reservation, was indicted by the Federal Grand Jury on December 12, 2012, with one count of Assault with a Dangerous Weapon. A Superseding Misdemeanor Information was filed on March 19, 2013, with two counts of Simple Assault. Defendant entered a plea of guilty to the Superseding Misdemeanor Information on March 19, 2013. Defendant was sentenced on June 17, 2013, to 6 months imprisonment and 5 years probation.

**KEVIN REID FARMER**, Duck Valley, was indicted by the Federal Grand Jury on December 19, 2012, with one count of Felon in Possession of a Firearm. Defendant plead guilty to the charge and was sentenced on May 14, 2013, to time served, supervised release for 1 year, 100 hours of community service, and \$100 assessment. Judgment was entered on June 19, 2013, that the weapon and ammunition be forfeited.

## NEWS FROM TRIBAL LIAISON/PROSECUTOR, AUSA MICHAEL LARGE



On March 7, 2013, President Obama signed into law the Violence Against Women Reauthorization Act of 2013 (VAWA). Title IX of VAWA 2013, entitled "Safety for Indian Women," contains section 904 (Tribal Jurisdiction over Crimes of Domestic Violence) and section 908 (Effective Dates; Pilot Project), both of which were initially drafted and proposed to Congress by the Department of Justice in 2011. The purposes of these sections are to decrease domestic violence in Indian country, to strengthen the

capacity of Indian tribes to exercise their inherent sovereign power to administer justice and control crime, and to ensure that perpetrators of domestic violence are held accountable for their criminal behavior.

Section 904 of VAWA recognizes the inherent power of "participating tribes" to exercise special domestic violence criminal jurisdiction over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic violence or dating violence or violate certain protection orders in Indian country. Section 904 also specifies the rights that a participating tribe must provide to defendants in special domestic violence criminal jurisdiction cases. Section 908(b)(1) provides that tribes generally cannot exercise special domestic violence criminal jurisdiction until at least two years after the date of VAWA 2013's enactment. Certain restrictions do apply to the exercise of special domestic violence criminal jurisdiction for the tribes. If any tribe is interested in learning more about it, please contact my office at 775-784-5438.

In other news, from July 22, 2013 through July 25, 2013, the U.S. Attorney is conducting the annual Indian Country outreach. USA Daniel Bogden, Criminal Chief Eric Johnson, and I will be traveling across Northern Nevada to meet with as many tribes and tribal officials as possible. In addition to the representatives from our office, officials from Bureau of Indian Affairs, the Federal Bureau of Investigation, and the Drug Enforcement Agency will be traveling with us. Our itinerary is as follows:

Monday, July 22nd: Reno-Sparks Indian Colony, Summit Lake Indian Reservation, Pyramid Lake Indian Reservation, Fallon Indian Reservation and Colony, Walker River Indian Reservation, Yerington Indian Colony, and Washoe Indian Reservation

Tuesday, July 23rd: Lovelock Indian Colony, Winnemucca Indian Colony, Ft. McDermitt Indian Reservation, Battle Mountain Indian Colony, Elko Indian Colony, and South Fork Indian Reservation

Wednesday, July 24th: Duck Valley Indian Reservation, Wells Indian Colony, and Goshute Indian Reservation

Thursday, July 25th: Ely Indian Colony, Duckwater Indian Reservation, and Yomba Indian Reservation

We look forward to meeting with as many representatives of the tribes as possible.

# NATIVE AMERICAN NETWORK

## U.S. SAYS IT PURSUES MORE PROSECUTIONS ON INDIAN LANDS

By TIMOTHY WILLIAMS

(Published: The New York Times, May 31, 2013)

The Justice Department said this week that it had increased its rate of criminal prosecutions in Indian country by more than 50 percent in the past four years, a period in which violent crime on the nation's Indian reservations has soared and tribes have complained of lawlessness. The data, part of a Justice Department report released Thursday, found that United States attorneys had prosecuted about 69 percent of the 3,145 criminal cases referred to their offices from Indian country last year — an improvement over 2011, when the federal government tried 63 percent of 2,840 criminal cases in Indian country. The report comes amid a wave of violent crime on Indian lands and criticism of the Justice Department by tribal officials who say United States attorneys pursue far too few violent criminal cases on reservations. Prosecutors say they must decline many Indian country cases — about 60 percent of the total — because of a lack of evidence.

Federal prosecutions of crime on Indian lands rose by nearly 54 percent from the 2008 fiscal year, when the Justice Department prosecuted 1,091 cases, to the 2012 fiscal year, when it prosecuted 1,677 cases, the report said. The department has jurisdiction over most serious offenses committed on reservations, including murder, rape and white-collar crimes.

Previous government data have cited violent crimes, which presented a more pessimistic picture: that the Justice Department files charges in only about half of Indian country murder investigations and one-third of sexual assault cases. The data also showed the number of prosecutions by United States attorneys of violent crimes fell by 3 percent from 2000 to 2010, even as crime on some reservations increased by 50 percent or more. But the report released this week does not separate the number of federal prosecutions for violent crimes. Instead, the report groups them with drug cases and white-collar crime.

On Friday, Wyn Hornbuckle, a Justice Department spokesman, said the analysis did not specify figures for violent crime because the department was not required to do so by the Tribal Law and Order Act, a 2010 law that mandates that the department release prosecution rates in Indian country. (This week's report is the agency's first since the law went into effect.) Figures included in the report, however, show that violent crime continues to plague reservations. For instance, United States attorneys with jurisdiction over serious crime on Arizona's reservations declined to prosecute 37 murders, 153 assaults and 164 sexual assaults in 2011 and 2012, the report said. The analysis did not say how many murders, assaults and sexual assaults had been prosecuted on Arizona's reservations in the same period.

## UNITED STATES ATTORNEY'S OFFICE 17TH STATE-WIDE NATIVE AMERICAN CONFERENCE

This year's conference will be held at the Grand Sierra Resort and Casino (GSR), 2500 East 2nd Street, Reno, Nevada. The conference will begin on August 26, 2013, and end on August 28, 2013. The opening ceremony will begin at 1:00 p.m. on Monday, August 26, 2013. Check-in is from 11:30 a.m. - 1:00 p.m. on Monday. Registration deadline is August 19, 2013.

The conference is open to all Tribal chairs, administrators, tribe members, social and health care workers, law enforcement, court personnel, and others who might benefit from learning about these topics. Feel free to make copies of the registration form to pass along to others.

Limited scholarships are available to cover the cost of hotel rooms for those who otherwise would not be able to attend. Due to the limited number of hotel rooms, if you get a hotel scholarship, you may be asked to share a room. Mileage may be reimbursed for drivers of multi-occupant vehicles.

### Tentative Agenda

#### Monday, August 26, 2013

11:30 - 1:00 Check-In  
Welcome and Opening Remarks (1:00 pm)  
Keynote Speaker  
Sexual Assault Prevention & What We All Should Know  
Criminal Jurisdiction in Indian Country

#### Tuesday, August 27, 2013

Elder Abuse  
Bridging Tribal & Civilian Gaps  
Children Witnessing Violence  
Drug Endangered Children  
Fundamentals of Child Exploitation  
The ABC Model and the Importance of Empowering Crime Victims

#### Wednesday, August 28, 2013

Shaken Baby Syndrome  
Vicarious Trauma

# NATIVE AMERICAN NETWORK

REGISTRATION FORM

DEADLINE: AUGUST 19, 2013

*Working Together for Hope, Healing, and Justice*

17th State-Wide Native American Conference

August 26-28, 2013 \*\*Grand Sierra Resort and Casino (GSR) \*\*Reno, Nevada

## SECTION 1: Registrant Information

Name:	Organization/Tribe:
Phone: ( )      Fax: ( )	Address / City / State / Zip:
Email:	

## SECTION 2: Lodging/Mileage Scholarship Application (complete section only if you are applying for a scholarship)

Is your agency a nonprofit organization (circle one) YES      NO	Do you provide assistance to victims of crime (circle one) YES      NO
---	---

Please briefly describe your experience with, or interest in, working with victims of crime in the Native American community:

Check nights will you need lodging:       Monday, August 26       Tuesday, August 27  
 Note: you will be required to share a room as there are a limited number of rooms available. If you do not have a roommate, one will be assigned to you. We are unable to accommodate family members.

Requested Roommate:	Preference (circle one): SMOKING ROOM NON-SMOKING ROOM	You are (circle one): FEMALE MALE
---------------------	---	--------------------------------------

Mileage requested (circle one):    YES      NO  
 Names of attendees who will be riding with you:

If you receive a scholarship but are unable to attend, you must cancel by contacting Debra Waite by 12:00 noon, Wednesday, August 21, 2013. Failure to do so will result in your agency being billed for \$79.00, the cost of one night's lodging. We are not allowed to pay for services not rendered.

I understand the terms of the scholarship. Scholarship forms returned without a signature will not be considered.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Return this Registration Form to: Debra Waite, U.S. Attorney's Office 333 Las Vegas Blvd. S., Ste 5000, Las Vegas, NV 89101; or fax to: (702) 388-6418; or e-mail: [debra.waite@usdoj.gov](mailto:debra.waite@usdoj.gov).

Questions? Contact Debra at (800) 539-8002 or [debra.waite@usdoj.gov](mailto:debra.waite@usdoj.gov)



**Daniel G. Bogden, United States Attorney  
Sue Fahami, Chief, Reno Division  
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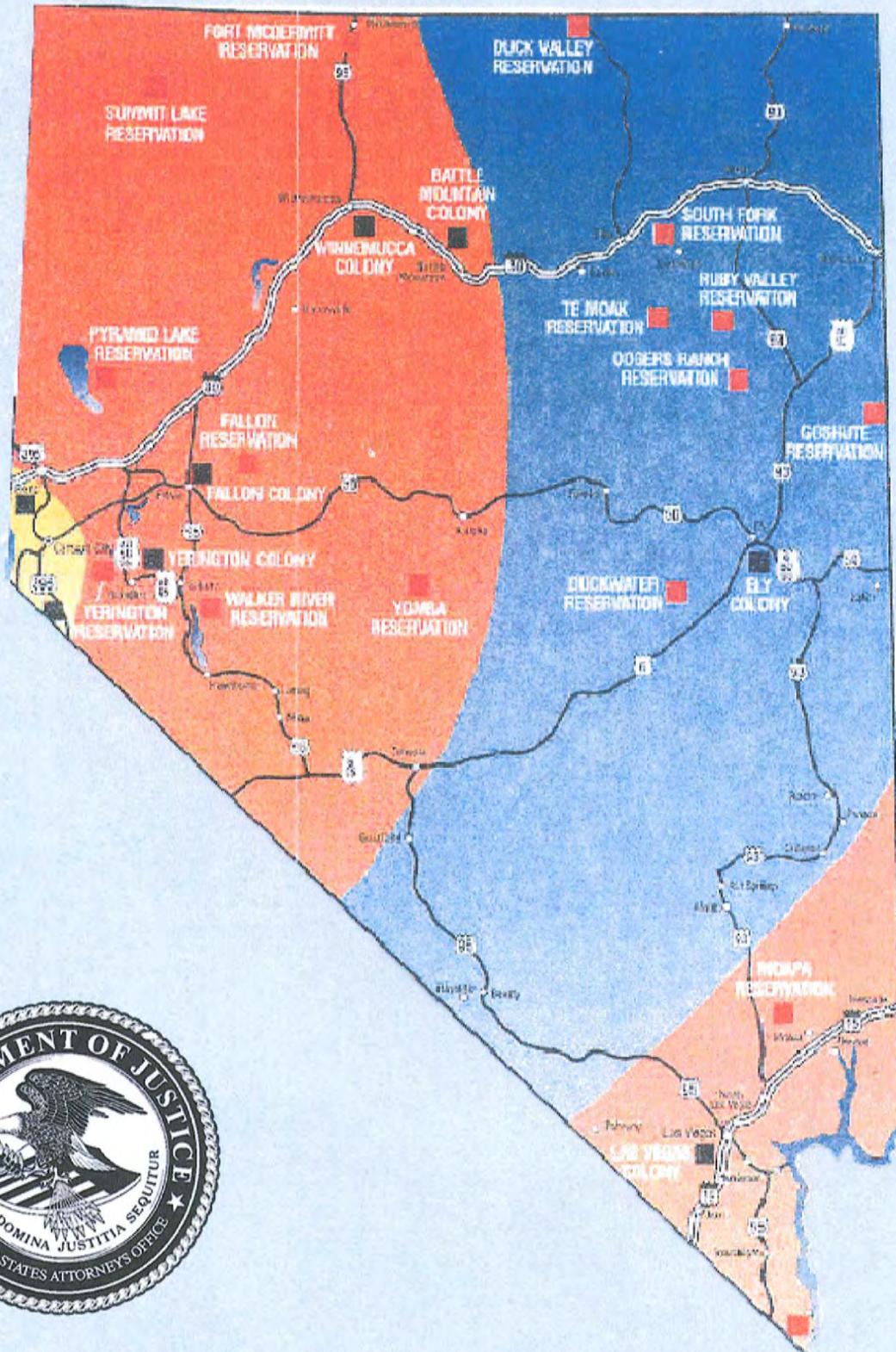
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# TRIBAL PROFILES



# NEVADA TRIBAL PROFILES



Special thanks to the FBI Field Intelligence Group for their assistance in preparing this document Page 162



**Battle Mountain Band Council**  
**An entity of the Te-Moak Tribe of Western Shoshone**

Joe Holley, Chairman  
37 Mountain View Drive, #C, Battle Mountain, NV 89820  
Phone: 775-635-2004, Fax: 775-635-8016  
Email: [bmband@the-onramp.net](mailto:bmband@the-onramp.net)

**Location:** Located off Interstate 80, in Battle Mountain, Lander County, Nevada

**Tribal Members:** 516

**Resident Population:** 165

**Governing Body:** Band Council  
Terms of office are 3 years  
7 member Band Council  
Joe Holley, Chairman; Mark Oppenheim, Lydia Johnson,  
Lydell Oppenheim, Rusty Hicks, Donna Hill, 1 vacant seat  
Meetings held last Thursday of each month

**Established:** Established June 17, 1917, by Executive Order to set aside 677.05 acres and on August 21, 1967, by the 90<sup>th</sup> Congress under PL 90-72 (81 Stat. 173) to add 6.25 acres.

**Land Base:** 683.3 acres of land

**Government:** The Band Council was organized under the Constitution and By-Laws of the Te-Moak Tribe of Western Shoshone Indians approved on August 24, 1938, which was organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Amended May 12, 1873, approximately 2 million acres by Executive Order.

**Band Council Programs:**

Band Council	Social Services/ICWA
Administration	Taxation Department
Alcohol & Drug Program	Environment Protection/GAP
Education	Child Care Development Block Grant
Health Clinic	Tribal Court

**Tribal Business/Enterprises:** Convenience Store, Smoke Shop, Gas Station

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Washoe Shoshone Department of Public Safety Board, Larry Robb, Chief; 2 police officers, 775-738-2650

**Carson Colony Community Council**  
**An entity of the Washoe Tribe of Nevada and California**

Gary Nevers, Chairman  
2900 South Curry Street, Carson City, NV 89703  
Phone: 775-883-6459, Fax: 775-883-6467

**Location:** Located ½ mile west of U.S. Highway 395, one mile south of Carson City, Nevada

**Tribal Members:** 82

**Resident Population:** 250

**Governing Body:** Community Council  
Terms of office are 4 years  
5 member Community Council  
Gary Nevers, Chairman; Chad Malone, Vice-Chairperson;  
Ellen Fillmore, Eleanore Muscott, Tyler Rupert  
Meetings held 2<sup>nd</sup> Wednesday of each month  
Elections held every 4 years

**Established:**

- March 26, 1917 - by authority of the Act of May 18, 1916 (39 Stat. 123-143), purchase of 119.02 acres
- March 26, 1917 - 37.13 acres
- August 12, 1969 - 3.85 acres

**Land Base:** 160 acres of tribal land

**Government:** The Community Council is organized under Articles of Association established pursuant to the Constitution and By-Laws of the Washoe Tribe of Nevada and California approved June 16, 1967.

**Community Council Programs:**

Native TANF Program  
Recreational Programs  
Programs designated by the Washoe Tribe of Nevada and California  
Tribal Court  
Senior Luncheon Program

**Tribal Business/Enterprises:** Washoe One Stop Smoke

**Serviced By:** BIA - Western Nevada Agency, Carson City, Nevada, through the Washoe Tribe of Nevada and California

**Law Enforcement Agency:** Washoe Tribe Police Department, Captain Richard Varner, 11 Officers, 775-265-7540

**Dresslerville Community Council**  
**An entity of the Washoe Tribe of Nevada and California**

Julie Barr, Chairwoman  
919 U.S. Highway 395 South, Gardnerville, NV 89140  
Phone: 775-265-4191, Fax: 775-265-6240

**Location:** Located ½ mile west of U.S. Highway 395, south of Gardnerville, Nevada

**Tribal Members:** 250

**Resident Population:** 400

**Governing Body:** Community Council  
Terms of office are 4 years  
5 member Community Council  
Julie Barr, Chairwoman; Joe McDonald, Vice Chairperson;  
Anthony Smokey  
Meetings held 1<sup>st</sup> Wednesday of each month

**Established:** May 16, 1917, by Authority of the Act of May 8, 1916 (39 Stat. 123-145), purchase of 39.80 acres

**Land Base:** 40 acres of tribal land

**Government:** The Community Council is organized under Articles of Association established pursuant to the Constitution and By-Laws of the Washoe Tribe of Nevada and California approved November 14, 1969.

**Community Council Programs:** (from 2002 profile)

Community Council	Headstart	Wellness Center
Education	Recreation Program	Health Clinic
Language School	Washoe Housing Authority	Senior Center

**Tribal Business/Enterprises:** None (from 2002 profile)

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada, through the Washoe Tribe of Nevada and California

**Law Enforcement Agency:** Washoe Tribe Police Department, Captain Richard Varner, 11 Officers, 775-265-7540

## Duck Valley Shoshone-Paiute Tribes

Dennis Smith, Chairman  
P.O. Box 219, Owyhee, NV 89832  
Phone: 208-759-3100, Fax: 208-759-3103  
Website: www.shopaitribes.org

**Location:** The reservation strides the Nevada-Idaho border, located approximately 100 miles south of Mountain Home, Idaho, on Highway 51 and is approximately 100 miles north of Elko, Nevada, on Highway 225.

**Tribal Members:** 2,019

**Resident Population:** 856

**Governing Body:** Tribal Business Council  
Terms of office are 3 years  
7 member Council  
Dennis Smith, Buster Gibson, Sandra Egan, James Blossom,  
Cristi Walker, Brian Thomas, Donna Jackson  
Meetings held 2<sup>nd</sup> Tuesday of each quarter

### Established:

- April 16, 1877 - by Executive Order
- May 4, 1886 - by Executive Order adding acreage
- July 1, 1910 - acreage added

**Land Base:** 289,819.3 acres of tribal land (144,274.3 acres in Elko County, Nevada, and 145,545 acres in Owyhee County, Idaho); 3,981.68 acres of federally-owned land at the Wildhorse Reservoir

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Duck Valley Shoshone-Paiute Tribes approved April 20, 1936.

### Tribal Programs:

Wildlife and Parks Program	Economic Development	TERO
Tribal Administration	Health Clinic and Hospital	Recreation Program
Natural Resource Protection	Agriculture/Irrigation Program	Housing Authority
Fire Management	Housing Improvement	Land Office
Food Distribution	Judicial Program/Tribal Court	Water and Sanitation
Behavioral Health	Senior Citizen Program/Center	Tribal Council
Cultural Preservation	Social Services/ICWA	Enrollment
Environment Protection/GAP	Stop Violence Against Women	CHR Program

**Tribal Business/Enterprises:** Duck Valley Gas-N-Go, Gah Nee Enterprises

**Serviced By:** BIA - Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** BIA in Carson City, Thomas Smart, Chief, 775-757-3624

## Duckwater Shoshone Tribe

Virginia Sanchez, Chairman  
P.O. Box 140068, Duckwater, NV 89314  
Phone: 775-863-0227, Fax: 775-863-0301

**Location:** Located 19 miles northwest of State Route 379 of Current, Nye County, Nevada

**Tribal Members:** 371

**Resident Population:** 149

**Governing Body:** Tribal Council  
Terms of office are staggered  
5 member Tribal Council  
Meetings held the last Monday of each month

### Established:

- November 13, 1940 - by authority of Section 5, Indian Reorganization Act, 3,273.26 acres
- December 22, 1943 - by the Act of June 28, 1941 (55 Stat. 303), 398.76 acres
- January 27, 1955 - by authority of the Indian Reorganization Act purchase of Nye County tax deed land 142.5 acres

**Land Base:** 3,814.52 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Duckwater Shoshone Tribe approved November 28, 1940.

### Tribal Programs:

Tribal Council	Education	Transportation
Tribal Administration	Health Clinic	Judicial Program/Tribal Court
Enrollment	Housing Authority	Law Enforcement/Tribal Police
Facilities O & M	Social Services/ICWA	Agriculture/Irrigation Program
Utility Service	Recreation Program	Environment Protection/GAP

**Tribal Business/Enterprises:** Economic Development Corporation

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Duckwater Tribal Police Department, Janey Bryan, Chief; 2 police officers, 775-863-0339

**Elko Band Council**  
**An entity of the Te- Moak Tribe of Western Shoshone**

Davis Gonzales, Chairman  
511 Sunset Street, Elko, NV 89803  
Phone: 775-738-8889, Fax: 775-753-5439

**Location:** Located in Elko, Elko County, Nevada

**Tribal Members:** 1,380

**Resident Population:** 765

**Governing Body:** Elko Community Council  
Terms of office are 3 years  
7 member Community Council  
Davis Gonzales, Chairman, Alice Tybo, Michelle Cure Evelyn Temoke-Roche,  
Vernon Thompson, Suzanne Sandoval, Leta Jim, Lindsay Oppenheim  
Meetings held 3<sup>rd</sup> Wednesday of each month

**Established:**

- March 23, 1918 - by Executive Order, 160 acres
- July 10, 1931 - by the Act of January 31, 1931 (46 Stat. 1,046), PL 71-581, 32.80 acres

**Land Base:** 192.80 acres

**Government:** Organized under the Constitution and By-Laws of the Te-Moak Tribe of Western Shoshone Indians approved on August 24, 1938, which was organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Amended August 1982.

**Tribal Programs:**

Alcohol and Drug	Domestic Violence
Tutor Program	CHR and In Home Health Aide
ICWA and Social Services	Elders Program
Tribal Court	

**Tribal Business/Enterprises:** Elko Smoke, Eyewear Program, Gymnasium

**Serviced By:** BIA - Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Washoe Shoshone Department of Public Safety Board, Larry Robb, Chief.  
775-738-2650

## Ely Shoshone Tribe

Alvin S. Marques, Chairman  
16 Shoshone Circle, Ely, NV 89301  
Phone: 775-289-3013, Fax: 775-289-3156

**Location:** Located on the southwest sides of the City of Ely, Nevada, in three separate locations and in White Pine County

**Tribal Members:** 562

**Resident Population:** 150

**Governing Body:** Tribal Council  
Terms of office are 3 years staggered  
5 member Tribal Council  
Meetings held 4<sup>th</sup> Saturday of each month

**Established:** The Reservation was established September 28, 1930, by the authority of the Act of June 27, 1930 (46 Stat. 820), for the purchase of 8.945 acres (0.37 federally owned) and in 1977, by legislation for 90 acres.

### Land Base:

- 99.95 acres of tribal land
- 0.37 acres of federal land
- 11 acres of trust lease land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Ely Shoshone Tribe approved April 8, 1966.

### Tribal Programs:

Tribal Council	Health Clinic	Education
Tribal Administration	Housing Authority	Planning Department
Alcohol & Drug Prevention	Language Program	Social Services/ICWA
Health Department	Law Enforcement/Tribal Police	Enrollment
Maintenance Department	Judicial Program/Tribal Court	Elder Center
Environment Protection/GAP		

**Tribal Business/Enterprises:** Silver Sage Travel Center

**Serviced By:** BIA - Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Ely Shoshone Tribal Police Department, Roger Miller, Chief; 2 full-time police officers, one part-time police officer, 775-289-4888

## Fallon Paiute Shoshone Tribe

Len George, Chairman  
565 Rio Vista Drive, Fallon, NV 89406  
Phone: 775-423-6075, Fax: 775-423-5202  
Website: www.fpst.org

**Location:** Located 2 miles northeast of Fallon, Nevada, the Reservation is 12 miles east by State Route 116 of Fallon, Churchill County, Nevada

**Tribal Members:** 1,310

**Resident Population:** 765

**Governing Body:** Tribal Council  
Terms of office are 3 years  
7 member Tribal Council  
Len George, Chairman; Herman Dixon, Jon Pishion, Laura Ijames,  
Steve Austin, Yvonne Mori, Beth Bowers  
Elections held every 2 years  
Meetings held 2<sup>nd</sup> and 4<sup>th</sup> Tuesdays of each month

### Established:

- April 20, 1907 - 4,680 acres allotted by authority of the Act of April 30, 1908 (35 Stat. 85)
- November 2, 1917 - 840 acres
- April 8, 1978 - PL 95-337 (92 Stat. 455) 2,460 acres

**Land Base:** Colony – 69 acres of tribal land; Reservation – 3,480 acres of tribal land; 4,640 acres of allotted land

**Government:** Organized under Constitution and By-Laws of the Paiute-Shoshone Tribe approved June 12, 1964, amended August 13, 1971 (Non-IRA)

### Tribal Programs:

Education	Economic Development	Housing Department
Automotive	Enrollment	Law Enforcement
Health Clinic	Environmental Program	Public Works
Domestic Violence	Finance	Senior Center
Stepping Stones	Transportation	Program Development
Social Services	Tribal Court	

**Tribal Business/Enterprises:** Fox Peak I & II Smoke Shops, Quiznos

**Serviced By:** BIA - Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Fallon Tribal Police, Tom Pysell, Chief; 775-423-8848, 775-427-8229, 775-426-9217

## Fort McDermitt Paiute-Shoshone Tribe

Maxine Smart, Chairwoman  
P.O. Box 457, McDermitt, NV 89421  
Phone: 775-532-8259, Fax: 775-532-8487

**Location:** Located 4 miles southeast of McDermitt, Humboldt County, Nevada. A major part of the reservation is located in Malheur County, Oregon.

**Tribal Members:** 945

**Resident Population:** 365

**Governing Body:** Tribal Council  
Terms of office are 2 years, the chairman has a 4-year term  
9 member Tribal Council  
Maxine Smart, Chairwoman; Karen Krutcher, Peggy Garfield, Rose Curtis,  
Dale Barr, Arlo Krutcher, Dwayne Masters, Sr., David Hinkey, Ernestine Coble,  
Meetings held 2<sup>nd</sup> Tuesday of each month

### Established:

- January 17, 1936 - by act of Congress (49 Stat. 1094) 20,414.14 acres set aside by authority of the Indian Reorganization Act (48 Stat. 984)
- November 16, 1936 - 554.35 acres
- November 9, 1940 - 3,5420.40 acres
- July 18, 1941 - 1,240 acres
- February 24, 1943 - 3,919.37 acres
- June 16, 1944 - 449.92 acres
- February 3, 1956 - 160 acres tribal fee purchase
- April 20, 1949 - relinquished allotments approved
- May 9, 1957 - relinquished allotments approved
- May 16, 1957 - 3,900.10 acres of relinquished allotments added to tribal land
- April 4, 1960 - 160 acres added
- November 16, 1973 - 2.63 acres added

### Land Base:

- 16,354.52 acres of tribal land - Nevada
- 145 acres of allotted land - Nevada
- 160 acres of tribal fee land - Nevada
- 18,828.79 acres of tribal land - Oregon

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Fort McDermitt Paiute and Shoshone Tribe approved July 2, 1936. May 12, 1873, approximately 2 million acres by Executive Order.

### Tribal Programs:

Human Services	Tribal Court	Social Services	Environmental Protection Agency
Eligibility	Finance	Tribal Enrollment	

**Tribal Business/Enterprises:** None

**Serviced By:** BIA - Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** BIA in Carson City, Clifford Serawop, Chief, 775-887-0616

## Fort Mojave Indian Tribe

Timothy Williams, Chairman  
500 Merriman Street, Needles, CA 92363  
Phone: 760-629-4591, Fax: 760-629-5767

**Location:** Located in the Mojave Valley south of Laughlin, Nevada, at the southern part of the state. Tribal lands are located in California, Nevada, and Arizona.

**Tribal Members:** 1,300

**Resident Population:** 700-800

**Governing Body:** Tribal Council  
Terms of office are 2 to 4 years  
7 member Tribal Council  
Meetings held 2<sup>nd</sup> Saturday and 4<sup>th</sup> Tuesday of each month

### Established:

- August 4, 1870 - by authority of General Order #19; 5,582 acres by the Military Reserve, and 9,114 acres by the Hay and Wood Reserve
- March 18, 1903 - 7,000 acres by Executive Order
- February 2, 1911 - 17,315 acres by Executive Order

**Land Base:** 3,862 acres of tribal land in Nevada  
6,297 acres of tribal land in California  
22,845 acres of tribal land in Arizona

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Fort Mojave Indian Tribe approved by the tribe on November 13, 1976, and approved by BIA on June 7, 1977.

### Tribal Programs:

Tribal Council	Employment JTPA/WIA	Telecommunications
Tribal Administration	AHA MACAV Housing Entity	Water Department
Building Department	Tribal Police	Enrollment
Ranger Department	Education	Real Estate Services

**Tribal Business/Enterprises:** Avi Resort and Casino, AHA MACAV Power Service Company

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Fort Mojave Tribal Police, Ray Limon, Chief; 21 officers, 928-346-1521

## Goshute Reservation

Madeline Greymountain, Chairwoman  
P.O. Box 6104, Ibapah, UT 84034  
Phone: 435-234-1138, Fax: 435-234-1162  
Website: www.goshutetribe.com

**Location:** Astride the Nevada-Utah border in White Pine County, Nevada, and Tooele and Juab Counties in Utah. The Reservation is located 75 miles south, by unimproved road of Wendover, Utah, or 50 miles east by unimproved road of Schellbourn Station, U.S. Alternate 93.

**Tribal Members:** 536

**Resident Population:** 11 (Nevada side only)

**Governing Body:** Tribal Council  
Terms of office are 3 years staggered  
5 member Tribal Council  
Madeline Greymountain, Chairwoman; Zelda Johnny,  
Amos Murphy, Lavar Tom, Jacob Steele  
Meetings held 1<sup>st</sup> Friday of each month  
Elections are held every year

### Established:

- May 20, 1912 - 160 acres by Executive Order #1539
- March 24, 1914 - 33,688.01 acres by Executive Order #1903 by the authority of the Indian Reorganization Act (48 Stat. 984)
- June 15, 1937 - 319.55 acres
- August 19, 1937 - 160 acres
- February 11, 1938 - 439.24 acres
- April 7, 1938 - 439.24 acres
- April 13, 1938 - 66,166.43 by the authority of the Act of June 30, 1934, as follows:
- August 15, 1938 - 3,493.57 acres
- June 21, 1939 - 60 acres
- January 19, 1940 - 320,240 and 80 acres
- February 9, 1940 - 2,240.99 acres
- November 24, 1941 - 240 acres
- January 9, 1943 - 635.91 acres by Exchange Deed

**Land Base:** 71,954.19 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Confederated Tribes approved November 24, 1940.

### Tribal Programs:

Roads Program	Finance	Tribal Council	Law Enforcement/Tribal Police
Diabetes Program	Medical Records	Tribal Administration	Senior Citizen Program/Center
Day Care	Domestic Violence	Alcohol & Drug Program	Community Health Program
Health Clinic	Housing Authority	Social Services/ICWA	Judicial Program/Tribal Court
Enrollment	Education	Environment Protection/GAP	

**Tribal Business/Enterprises:** Land Lease Program

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Goshute Tribal Police Department, Vacant , Chief; 435-234-1139

## Las Vegas Paiute Tribe

Benny Tso, Chairman  
1 Paiute Drive, Las Vegas, NV 89030  
Phone: 702-386-3926, Fax: 702-383-4019  
Website: www.lvpaicutetribes.com

**Location:** Located within the city limits on the west side of Main Street, one mile north of downtown Las Vegas, Clark County, Nevada. Also north of Las Vegas along the Reno-Tonopah Highway near Mt. Charleston.

**Tribal Members:** 64

**Resident Population:** 108

**Governing Body:** Tribal Council  
Terms of office are 2 years  
7 member Tribal Council  
Benny Tso, Chairman; Darren Sackett, Lucille Campa,  
Debra Faria, Chris Spotedeagle, Curtis Anderson, Robert Segmiller  
Meetings held 2<sup>nd</sup> Tuesday of each month  
Elections are held every even year

### Established:

- April 17, 1912 - purchase of 10 acres
- December 2, 1983 - PL 98-203 adding 3,884.51 acres north of Las Vegas

**Land Base:** 3,850.15 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Las Vegas Paiute Tribe approved July 30, 1970.

### Tribal Programs:

Tribal Council	Education	Mental Health Program
Tribal Administration	Health Clinic	Judicial Program/Tribal Court
Enrollment	Housing Committee	Law Enforcement/Tribal Police
Alcohol and Drug Program	Social Services/ICWA	Water Rights
CHR or In-Home Health Aid	Substance Abuse Prevention	

**Tribal Business/Enterprises:** Las Vegas Colony Smoke Shop, Child Development Center, Las Vegas Paiute Tribe Golf Course and Resort, Las Vegas Paiute Snow Mountain Smoke Shop and Gas Station

**Serviced By:** BIA – Southern Nevada Field Station, St. George, Utah

**Law Enforcement Agency:** Las Vegas Paiute Police Department, Don Belcher, Chief; 10 police officers, 702-383-1509

## **Lovelock Paiute Tribe**

Victor Mann, Chairman  
P.O. Box 878, Lovelock, NV 89419  
Phone: 775-273-7861, Fax: 775-273-5151

**Location:** Located 1 block west of Cornell Avenue in southwest Lovelock, Pershing County, Nevada

**Tribal Members:** 424

**Resident Population:** 123

**Governing Body:** Tribal Council  
Terms of office are 2 and 3 years staggered  
5 member Tribal Council  
Meetings held once a month  
Elections held every 3 then 2 years

**Established:**

- September 4, 1907 - purchase of 2 acres for school site
- November 17, 1910 - by authority of the Act of April 4, 1910 (36 Stat, 984), as amended

**Land Base:** 20 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Lovelock Paiute Tribe approved March 14, 1968.

**Tribal Programs:** Law Enforcement, Tribal Court, Enrollment, Social Services

**Tribal Business/Enterprises:** None

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Lovelock Tribal Colony, David Carter, Chief, 775-273-7861

## Moapa Band of Paiutes

William Anderson, Chairman  
P.O. Box 340, Moapa, NV 89025  
Phone: 702-865-2787, Fax: 702-865-2875  
Website: www.moapapaiutes.com

**Location:** Located approximately 8 miles west of Glendale, Nevada, junction of State Route 168 and Interstate 15 approximately 55 miles northeast of Las Vegas, Clark County, Nevada

**Tribal Members:** 330

**Resident Population:** 206

**Governing Body:** Tribal Council  
Terms of office are 3 years  
6 member Tribal Council  
William Anderson, Chairman; Eric Lee, Anthony Frank,  
Delores Simmons, Richard Fisher, Aletha Tom  
Meetings held 2<sup>nd</sup> Tuesday of each month  
Two council members are elected every year

### Established:

- May 12, 1873 - approximately 2 million acres by Executive Order
- February 12, 1874 - 1,000 acres added by Executive Order
- March 3, 1875 - acreage reduced to 1,000 acres by the authority of the Act of March 3, 1975 (18 Stat. 445)
- December 2, 1980 - 70,565.46 acres added by PL 96-491 legislation

**Land Base:** 71,954.19 acres of tribal land (revised acreage courtesy of BIA)

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Moapa Band of Paiute Indians approved April 17, 1942.

### Tribal Programs:

Tribal Council	Health Clinic	Judicial Program/Tribal Court
Tribal Administration	Housing Authority	Law Enforcement/Tribal Police
Enrollment	Social Services/ICWA	Agriculture/Irrigation Program
Headstart and Day Care	Senior Citizen Program/Center	

**Tribal Business/Enterprises:** Tribal Store and Casino, Convenience Store

**Serviced By:** BIA – Southern Nevada Field Station, St. George, Utah

**Law Enforcement Agency:** Moapa Tribal Police Department and Moapa Law Enforcement Tribal Court, Kevin Moore, Chief; 4 police officers, 702-865-2828

## Pyramid Lake Paiute Tribe

Elwood Lowery., Chairman  
P.O. Box 256, Nixon, NV 89424  
Phone: 775-574-1000, Fax: 775-574-1008  
Website: www.plpt.nsn.us

**Location:** Located 35 miles northeast of Reno, Washoe County, Nevada

**Tribal Members:** 2,253

**Resident Population:** 1,603

**Governing Body:** Tribal Council  
Terms of office are 2 years staggered  
12 member Tribal Council  
Elwood Lowery., Chairman; Terrance James, Leona Collins,  
Sherry Ely Mendes, Janet Davis, Irwin Mix, Alan Mandell,  
Brian Wadsworth, Duane Wasson, Gordon Crutcher, Jr., Michele Smith  
Meetings held 1<sup>st</sup> and 3<sup>rd</sup> Fridays of each month

**Established:** March 23, 1859 - 475,085.55 acres by Executive Order (includes 112,000 acres of lake surface)

**Land Base:** 476,668.94 acres of tribal land (including 112,000 acres of lake surface)

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Pyramid Lake Paiute Tribe approved January 15, 1936.

### Tribal Programs:

Tribal Council	Health Services	Language/Cultural Program
Child Care	Higher Education	Law Enforcement
Enrollment Services	Human Resources	Library
Environmental Department	Johnson O'Malley Program	Maintenance
Finance Department	Judicial Services	Museum
PLPT Newspaper	Numaga Senior Center	Parks & Recreation
Public Utilities	PL Rangers	Social Services
Tax Department	Technology Services	Water Resources Department
Victim Services		

**Tribal Business/Enterprises:** Nixon Store, I-80 Smoke Shop, Big Bend RV Park, I-80 RV & Campground, Lake Camping & Fishing

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Pyramid Lake Tribal Police, Layne Erdman, Chief; 775-574-1014

## **Reno-Sparks Indian Colony**

Arlan Melendez, Chairman  
98 Colony Road, Reno, NV 89502  
Phone: 775-329-2936, Fax: 775-329-8710  
Website: www.rsic.org

**Location:** Located at East Second Street adjacent to the city limits of Reno, Washoe County, Nevada, and 10 miles north of Sparks, Washoe County, Nevada, at Hungry Valley.

**Tribal Members:** 900

**Resident Population:** Unknown

**Governing Body:** Tribal Council  
Terms of office are 4 years  
8 member Tribal Council  
Meetings held twice a month

### **Established:**

- April 13, 1917 - purchase of 20 acres by the authority of the Act of May 18, 1916 (39 Stat. 123-145)
- July 23, 1926 - purchase of 8.38 acres by the authority of the Act of May 10, 1926 (44 Stat. 496)
- August 23, 1986 - acquisition of 1,949.39 acres by authority of the Act of August 3, 1986 (100 Stat. 828)

**Land Base:** 1,978.26 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Reno-Sparks Indian Colony approved January 15, 1936, amended January 8, 1971.

### **Tribal Programs:**

Health and Human Services	Planning	Human Resources
Community Services	Public Safety	Tribal Court
Public Works	Archives Department	

**Tribal Business/Enterprises:** Smoke Shop 1, Smoke Shop 2, Smoke Shop 3, Smoke Shop 4, Smoke Shop 5, lease to Taco Bell, lease to Reno Toyota-Mazda Used Car & Truck, Mercedes, Acura, WalMart

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Reno-Sparks Tribal Police Department, Darrell Bill 775-785-8776

## **South Fork Band Council**

### **An entity of the Te-Moak Tribe of Western Shoshone**

Cheryl Mose-Temoke, Chairwoman  
HC 30 Box B-13, Spring Creek, NV 89815  
Phone: 775-744-4273, Fax: 775-744-4523

**Location:** Located in Lee, Elko County, Nevada

**Tribal Members:** 260

**Resident Population:** 75

**Governing Body:** Band Council  
Terms of office are 3 years  
7 member Band Council  
Cheryl Mose-Temoke, Chairwoman; Bill Larson, Vincent Garcia,  
Charles Molotte, Gilbert Temoke, Casey Tom, Edna Tybo

#### **Established:**

June 18, 1934 - by the Act of June 18, 1934 (48 Stat. 984), as amended with the following land purchases authorized accordingly:

- May 29, 1937 - 5,862.28 acres
- March 31, 1938 - 2,195.63 acres
- November 14, 1938 - 1,514.96 acres
- December 10, 1938 - 1,987.04 acres
- June 27, 1951 - 2,708.20 acres

**Land Base:** 15,680.38 acres

**Government:** Organized under the Constitution and By-Laws of the Te-Moak Tribe of Western Shoshone Indians approved on August 24, 1938, which was organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Amended August 1982.

#### **Tribal Programs:**

Te-Moak Housing Authority	Enrollment	Health A & D
Special Diabetes Program	Judicial Program	Child Care Facility

**Tribal Business/Enterprises:** Smoke Shop, Commercial Hunting and Fishing Operations, Tribal Livestock Herd

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** BIA Law Enforcement, 775-744-2411

## **Stewart Community Council**

### **An entity of the Washoe Tribe of Nevada and California**

Dave Tom, Chairman  
465 Clear Creek Avenue, Carson City, NV 89701  
Phone: 775-883-7794, Fax: 775-883-5679

**Location:** Located south of Carson City, Nevada

**Tribal Members:** 70

**Resident Population:** 313

**Governing Body:** Community Council  
Terms of office are 4 years  
5 member Community Council  
Dave Tom, Chairman, Stan Smokey,  
Jacqueline Steele, Dorothy McCloud, Richard Burchett  
Meetings held 3<sup>rd</sup> Tuesday of each month

#### **Established:**

- July 20, 1990 - by the authority of the Secretary of the Interior, amendment to the Washoe Tribal Constitution to enfranchise the Stewart Community
- January 25, 1983 - PL 97-288, set aside 2,933.59 acres

**Land Base:** 2,933.59 acres of tribal land

**Government:** Organized under the Articles of Association, established pursuant to the Constitution and By-Laws of the Washoe Tribe of Nevada and California, approved September 5, 1990.

#### **Tribal Programs:**

After School Latch Key Program  
Youth Council  
Headstart  
Washoe Language Program

**Tribal Business/Enterprises:** None

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada, through the Washoe Tribe of Nevada and California

**Law Enforcement Agency:** Washoe Tribe Police Department, Captain Richard Varner, 11 Officers, 775-265-7540

## Summit Lake Paiute Tribe

Randi DeSoto, Chairwoman  
1708 H Street, Sparks, NV 89431  
Phone: 775-827-9670, Fax: 775-827-9678  
Email: ron.johnny@summitlaketribe.org

**Location:** Located approximately 8 miles west of Denio, Humboldt County, Nevada. Access via State Route 140 and unimproved road 8A.

**Tribal Members:** 120

**Resident Population:** 12 (fluctuates based on the season)

**Governing Body:** Tribal Council  
Terms of office are 3 years  
5 member Tribal Council  
Randi DeSoto, Chairwoman; Delgadina Gonzalez,  
Elizabeth DeLaLuz, Jerry Barr, Jerri Lynn Barlese  
Meetings held 3<sup>rd</sup> Saturday of each month

### Established:

- January 14, 1913 - by authority of Executive Order #1681
- March 3, 1928 - PL 89 of the 70<sup>th</sup> Congress (45 Stat. 160)
- April 20, 1949 - deed approved
- January 4, 1950 - deed approved
- January 14, 1950 - transfer order of inherited interest
- June 10, 1959 - by authority of the 86<sup>th</sup> Congress 9,489.59 acres
- December 15, 1971 - PL 92-186 (85 Stat. 642-644) 608.38 acres

**Land Base:** 10,097.97 acres of tribal land (includes 50 acres of air surface), 764.94 allotted acres

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Summit Lake Paiute Tribe approved January 8, 1965.

### Tribal Programs:

Sex Offender Monitoring and Registering  
Tribal Court  
Finance  
Fence Improvements

Natural Resources  
Range Improvements  
Pollution Prevention  
Environmental Protection Department

**Tribal Business/Enterprises:** None

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** BIA in Carson City, Clifford Serawop, Chief, 775-887-0616

## **Te-Moak Tribe of Western Shoshone**

Alice Tybo, Chairwoman  
525 Sunset Street, Elko, NV 89803  
Phone: 775-738-9251, Fax: 775-738-2345  
Website: www.temoaktribe.com

**Location:** Territory of the tribe is that land encompassing the Battle Mountain Colony, Elko Colony, South Fork Colony, and Wells Colony, all located in Elko County, Nevada. The Te-Moak Tribal Offices are located in Elko, Nevada, on the Elko Colony.

**Tribal Members:** 2,206

**Resident Population:** 684

**Governing Body:** Tribal Council  
Terms of office are 2½ years  
7 member Tribal Council  
Alice Tybo, Chairwoman; W. Turk Knight, Wayne Bill, Edith Smart,  
Gilbert Temoke, Cheryl Moss-Temoke, Brandon Reynolds.  
Meetings held 1<sup>st</sup> Wednesday of each month  
Elections held every 2½ years

**Established:** not on the original profile

**Land Base:** 16,363 acres on the following colonies

- Battle Mountain Band Colony - 683.3 acres
- Elko Band Colony - 192.80 acres
- South Fork Band Colony - 15,680.38 acres
- Wells Band Colony - 80 acres

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Te-Moak of Western Shoshone Indians approved on August 24, 1938.

### **Tribal Programs:**

Te-Moak Housing Authority	Enrollment	Health A & D
Special Diabetes Program	Judicial Program	

**Tribal Business/Enterprises:** Smoke Shop

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Ely Shoshone Tribal Police Department, Roger Miller, Chief; 2 full-time police officers, one part-time police officer, 775-289-4888

## **Timbisha Shoshone Tribe**

Joseph Kennedy, Chairman  
P.O. Box 206, Death Valley, CA 92328  
Phone: 760-786-2374, Fax: 760-786-2376  
Website: www.timbisha.org

**Location:** Nevada land base is located near Scotty's Junction on Highway 395 South, Nye County, Nevada, and in Lida, Esmeralda County, Nevada

**Tribal Members:** 261

**Resident Population:** 25

**Governing Body:** Tribal Council  
Terms of office are 1 year  
5 member Tribal Council  
Meetings held 2<sup>nd</sup> Saturday of each month

**Established:** By Act of Congress signed November 1, 2000, to place 5,500 acres of land in Nevada in trust for the Timbisha Shoshone Tribe. No resident population or service programs are currently located on the land. The tribe also has 1,953.99 acres of trust land in California. Primary tribal office is located in Death Valley, California.

**Land Base:** 7,453.99 acres of tribal land (5,500 acres of trust land is in Nevada)

**Government:** Received federal recognition as stated in the federal register of October 6, 1982, as an Indian Tribe. Constitution was approved on January 25, 1986, by the Timbisha Shoshone Tribe General Council.

**Tribal Programs:**

Economic Development	Natural and Cultural Resources
Housing	Health and Social Services
Community Development	Environmental Program

**Tribal Business/Enterprises:** None

**Serviced By:** BIA – Central California Agency, Sacramento, California

**Law Enforcement Agency:** BIA Law Enforcement, 775-265-7540

## Walker River Paiute Tribe

Lorren Sammaripa, Chairman  
P.O. Box 220, Schurz, NV 89427  
Phone: 775-773-2306, Fax: 775-773-2585  
Website: www.wrpt.us

**Location:** Located in Schurz, Mineral County, Nevada. Portions of the reservation are located in Churchill, Lyon, and Mineral Counties, Nevada.

**Tribal Members:** 3,055

**Resident Population:** 900+

**Governing Body:** Tribal Council  
Terms of office are 3 years  
7 member Tribal Council  
Lorreen Sammaripa, Chairperson; Gina Wachsmuth, Vice-Chairperson;  
Priscilla Carreira, Treasurer; Melanie McFalls, Secretary; Lois Jim, Member;  
Charles Quartz, Member; Amber Torres, Member  
Meetings held 2<sup>nd</sup> Thursday of each month  
Elections held every year

### Established:

- March 19, 1859 - by Executive Order
- February 7, 1887 - General Allotment Act (24 Stat. 388)
- May 27, 1902 (32 Stat. 245-260)
- March 15, 1918 - Executive Order #2820
- March 3, 1928 (45 Stat. 160)
- June 26, 196? - PL 74-748 (48 Stat. 1806)
- June 19, 1972 - by authority of the Act of June 22, 1936 (49 Stat. 1806) supplemented by the Act of September 14, 1961 (75 Stat. 409)

### Land Base:

- 42,880 acres of tribal land - Churchill County
- 45,835 acres of tribal land - Lyon County
- 224,975.34 acres of tribal land - Mineral County
- 1,470 acres of allotted land - Lyon County
- 7,261.78 acres of allotted land - Mineral County
- 320 acres of government owned land - Lyon County
- 644.24 acres of government owned land - Mineral County

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Walker River Paiute Tribe approved March 26, 1937.

### Tribal Programs:

Health Program	Enrollment	VOCA	Senior Center	Land and Water
Air Quality	Economic Program	Tax	Non-Point Source	Human Resources
Coalition	Water Quality	Social Services	Safety of Dams	Housing
Judicial Court	Water Litigation	Substance Abuse	Roads	Fisheries
Education	Water and Sewage	Environmental Program	Law Enforcement	Finance

**Tribal Business/Enterprises:** Smoke Shop, Fireworks, Land Leases, Grazing Permits

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Walker River Tribal Police Department, Roman Sanchez, Chief; 5 officers, 775-773-2544

## Washoe Tribe of Nevada and California

Darrel Kizer, Chairman  
919 Highway 395 South, Gardnerville, NV 89410  
Phone: 775-265-8600, Fax: 775-265-6240  
Website: www.washoetribe.us

**Location:** Territorial jurisdiction and tribal lands are located in Carson City and Douglas County, Nevada, and Alpine County, California. The tribe is comprised of the Carson Colony, Dresslerville Colony, Stewart Community, and Woodfords Colony, along with lands for ranching and some allotment.

**Tribal Members:** 1,550

**Resident Population:** 4 different communities

**Governing Body:** Tribal Council  
Terms of office are 4 years  
12 member Tribal Council  
Darrel Kizer, Chairman; Neil Mortimer, Tamara Crawford, Gary Nevers,  
Chad Malone, Julie Bar, Joe McDonald, Dave Tom, Stan Smokey, Geoff Ellis,  
Darrel Cruz, Elwood Rakow  
Meetings held 2<sup>nd</sup> Friday of each month

### Established:

- February 8, 1891 - under authority of the General Allotment Act (26 Stat. 794), as amended; Public Domain allotments in Washoe, Douglas, and Carson Counties

Pursuant to the Indian Reorganization Act purchases of the following:

- March 17, 1938 - 404 acres
- December 15, 1937 - 200 acres
- April 29, 1937 - 190.57 acres
- February 2, 1973 - 307.88 acres
- January 25, 1983 - PL 97-288 set aside 2,983.59 acres

### Land Base:

- 4,316.04 acres of tribal land
- 61,318.93 acres of public domain allotments

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Washoe Tribe of Nevada and California approved January 24, 1934. Amended June 1966, January 30, 1980, and June 20, 1990. Tribal Charter ratified February 27, 1937, and amended May 3, 1939.

### Tribal Programs:

Health	Native TANF Program	Human Resources
Education	Judicial System	Washoe Development Group

**Tribal Business/Enterprises:** 3 Smoke Shops, Chevron Station Market, Meeks Bay Resort

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Washoe Tribe Police Department, Captain Richard Varner, 11 Officers, 775-265-7540

**Wells Band Council**  
**An entity of the Te-Moak Tribe of Western Shoshone**

Paula Salazar, Chairperson  
P.O. Box 809, Wells, NV 89835  
Phone: 775-752-3045, Fax: 775-265-6240  
Website: www.washoetribe.us

**Location:** Located ¼ mile west of Wells, Elko County, Nevada

**Tribal Members:** 300

**Resident Population:** Unknown, none in Nevada

**Governing Body:** Band Council  
Terms of office are 3 years  
7 member Band Council  
Meetings held every 2 weeks  
Elections held every 3 years in October

**Established:** October 15, 1977, by authority of PL 95-133 setting aside 80 acres

**Land Base:** 80 acres of tribal land

**Government:** Organized under the Constitution and By-Laws of the Te-Moak Tribe of Western Shoshone Indians approved on August 24, 1938, which was organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Amended August 1982.

**Tribal Programs:**

Social Services	Travel	Government
Education	Health	Tribal Court

**Tribal Business/Enterprises:** Wells Smoke Shop

**Serviced By:** BIA – Eastern Nevada Agency, Elko, Nevada

**Law Enforcement Agency:** Washoe Shoshone Department of Public Safety, Larry Robb, Chief;  
775-738-2650

## **Winnemucca Colony Council**

P.O. Box 1370, Winnemucca, NV 89446  
Phone: 775-623-0888, Fax: 775-623-6918

**Location:** Located one block west of Bridge Street, ¼ of a mile south of downtown Winnemucca, Humboldt County, Nevada

**Tribal Members:** Unknown

**Resident Population:** Unknown, 25 households on colony

**Governing Body:** 2 Councils in charge  
Colony Council  
5 members

### **Established:**

- June 18, 1917 - Executive Order for 60 acres
- February 8, 1918 - Executive Order for 60 acres
- May 21, 1928 (45 Stat. 618) adding 10 acres
- May 29, 1928 (45 Stat. 899) adding 10 acres

**Land Base:** 340 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Winnemucca Colony approved March 5, 1971.

**Tribal Programs:** None

**Tribal Business/Enterprises:** Winnemucca Smoke Shop

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** BIA Law Enforcement, Carson City 775-887-0616

## **Woodfords Community Council**

### **An entity of the Washoe Tribe of Nevada and California**

Geoff Ellis, Chairman  
96A Washoe Boulevard, Markleeville, CA 96120  
Phone: 530-694-2170, Fax: 530-694-1890

**Location:** Located approximately 5 miles from the Nevada/California border in Alpine/California border in Alpine County, California.

**Tribal Members:** 120 in California

**Resident Population:** 240 in California

**Governing Body:** Community Council  
Terms of office are 4 years  
5 member Community Council  
Geoff Ellis, Chairman; Neil Mortimer, Deidre Jones-Flood,  
Cassandra Fred, Beverly Caldera  
Meetings held 1<sup>st</sup> Thursday of each month

**Established:** July 31, 1971 - PL 91-362 set aside 80 acres

**Land Base:** 80 acres of tribal land

**Government:** The Community Council is organized under the Articles of Association established pursuant to the Constitution and By-Laws of the Washoe Tribe of Nevada and California approved August 11, 1969.

**Tribal Programs:** Community Council, Education, Recreation Program

**Tribal Business/Enterprises:** None

**Serviced By:** Washoe Tribe Police Department, Captain Richard Varner, 11 Officers, 775-265-7540; also serviced by the Alpine County, CA Sheriff's Department

## Yerington Paiute Tribe

Linda Howard, Chairwoman  
171 Campbell Lane, Yerington, NV 89447  
Phone: 775-463-3301, Fax: 775-463-2416

**Location:** Colony is located adjacent to Yerington, Nevada. Ranch is located 2 miles west of U.S. Alternate 95, approximately 10 miles north of Yerington, Lyon County, Nevada.

**Tribal Members:** 1,050

**Resident Population:** 600

**Governing Body:** Tribal Council  
Terms of office are 3 years  
7 member Tribal Council  
Linda Howard, Chairwoman; Wayne Garcia, Delmar Stevens,  
Elwood Emm, LaVerne Roberts, Glen Roberts, Jr., Eleanor Smith, Shelly Pugh  
Meetings held 2<sup>nd</sup> Wednesday of each month  
Elections held every 3 years

### Established:

#### Colony:

- May 18, 1916 - Act of (39 Stat. 123) and (Stat. 143) a purchase of 9.456 acres
- January 16, 1978 - purchase of 1.91 acres

#### Ranch:

- December 10, 1936 by authority of the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Yerington Paiute Tribe approved January 4, 1937.

**Land Base:** Colony: 22.366 acres of tribal land  
Ranch: 1,631.88 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Yerington Paiute Tribe approved January 4, 1937.

### Tribal Programs:

Social Services	Tribal Library	Elders Program
Johnson O'Malley Program	Enrollment Program	Tribal Housing Department
Americans for Native Americans	Healthy Marriage	Air Quality
Environmental/GAP Program	Judicial Court Program	Water Quality
Wetlands	Education	Health Clinic

**Tribal Business/Enterprises:** Tribal Smoke Shop, Arrowhead Market, Campbell Ranch, Arrowhead Mini Stores, Lease Land to the Rite of Passage School and to Subway

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Yerington Tribal Police Department, Mark Moore, Chief; 3 officers, 775-463-3301; fax: 775-463-1372; substation: 775-463-9088

## **Yomba Shoshone Tribe**

Wayne Dyer, Chairman  
HC61 Box 6275, Austin, NV 89310  
Phone: 775-964-2463, Fax: 775-964-2443

**Location:** Located approximately 55 miles south by improved State Route 21 of Austin at Reese River, Nye County, Nevada

**Tribal Members:** 200

**Resident Population:** 90

**Governing Body:** Tribal Council  
Terms of office are 2 years staggered  
6 member Tribal Council  
Wayne Dyer, Chairman; James Birchim, Jr.,  
Randy Brady, Ronald Snooks, Darryl Brady  
Meetings held 2<sup>nd</sup> Friday of each month  
Elections held every year

### **Established:**

June 18, 1934 - by authority of the Indian Reorganization Act (48 Stat. 984) the following were purchased:

- July 10, 1937 - 1,560.86 acres
- November 12, 1937 - 2,200.72 acres
- November 1, 1940 - 480 acres
- February 28, 1941 - 476.91 acres

**Land Base:** 4,718.49 acres of tribal land

**Government:** Organized under the Indian Reorganization Act of June 18, 1934 (49 Stat. 984), as amended. Constitution and By-Laws of the Yomba Shoshone Tribe approved December 20, 1939.

**Tribal Programs:** Contracts with BIA and IHS

**Tribal Business/Enterprises:** Fuel Station

**Serviced By:** BIA – Western Nevada Agency, Carson City, Nevada

**Law Enforcement Agency:** Yomba Shoshone Tribe Police Department, Bill Worden, Chief; 2 officers,  
775-964-2114

**NEVADA SAFE TRAILS TASK FORCE**



**Complaint Form**

Date of Incident: \_\_\_\_\_

Location: \_\_\_\_\_

Allegation: \_\_\_\_\_

\_\_\_\_\_

Suspect / Victim Information: \_\_\_\_\_

\_\_\_\_\_

Contact Information (optional): \_\_\_\_\_

Name: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Summary of Incident: \_\_\_\_\_

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*Summary of Incident Continued:*

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Department of Justice  
Federal Bureau of  
Investigation

Department of Justice  
Federal Bureau  
of  
Investigation



**Indian Country  
Program and  
Reporting  
Requirements**

Nevada Safe Trails  
Task Force  
Telephone: 775-825-6600

## Indian Country Program

The sovereign status of federally recognized Indian tribes precludes most states from exercising criminal jurisdiction in Indian Country (IC) over Indian persons. Jurisdiction resides with the tribes themselves on a limited basis (non-felony offenses) or with the federal government (felony offenses).

The FBI has established the following priorities in IC, in an effort to ensure that the most egregious and violent criminal acts receive priority attention by investigative personnel:

- Homicide/Murder
- Child Sexual/Physical Assault
- Violent Assault
- Drugs/Gangs
- Financial Crimes
- Property Crimes

## Nevada Safe Trails Task Force (NSTTF)

### MISSION

The NSTTF was developed to achieve maximum coordination and cooperation in the investigation of violent crimes, major white collar crimes, drug activity, and gang activity occurring on Indian Reservations in Nevada. The NSTTF is currently comprised of special agents and task force officers from the FBI, Bureau of Indian Affairs (BIA), The Drug Enforcement Administration (DEA) and other law enforcement agencies.

Secondary to Indian Country matters, the NSTTF will gather significant intelligence related information concerning organized criminal activity on Indian reservations throughout Nevada. This raw intelligence will then be disseminated to both tribal and local law enforcement agencies for action they deem appropriate.

### How do I provide information to the NSTTF?

You can provide information in person, by telephone, by e-mail, or by fax. Contact information is on this brochure.

### When Should I provide information?

You can provide information about any criminal activity on an Indian Reservation that you believe is suspicious.

### What questions will I have to answer?

- Who are the victims, witnesses and suspects.
- What Happened?
- When did it happen?
- Where did it occur?
- Why did it happen?
- How did it happen?
- What evidence exists?

### Can I make an anonymous complaint?

Yes, keep in mind, however if you don't provide your contact information, we can not provide you with the outcome of your complaint.

### Who will investigate my complaint?

A trained Special Agent of the Federal Bureau of Investigation will conduct an in-depth review of your complaint and will determine if an investigation is needed.

### Will I be notified of the outcome of my complaint?

Yes, you will be notified on whether an investigation has been initiated or whether it will be referred to another jurisdiction.

### Indian Country Email Address:

Indiancountry.LasVegas@ic.fbi.gov



Department of Justice Federal Bureau of Investigation
Las Vegas Division 1787 West Lake Mead Boulevard Las Vegas, NV 89106 Telephone: 702-385-1281
Reno Resident Agency 5310 Kietzke Lane, Suite 200 Reno, NV 89511 Telephone: 775-825-6600 Fax: 775-823-2635
Elko Resident Agency P.O. Box 1870 Elko, NV 89803 Telephone: 775-738-1880 Fax: 775-738-1498
South Lake Tahoe Resident Agency 128 Market Street Stateline, NV 89449 Telephone: 775-588-4184 Fax: 775-588-4256

**FBI NEVADA INDIAN COUNTRY  
CRIME COMPLAINT**





**FEDERAL BUREAU OF INVESTIGATION  
NEVADA INDIAN COUNTRY CRIME COMPLAINT**



Date: \_\_\_\_\_ Taken by: \_\_\_\_\_ Agency: \_\_\_\_\_

Referred to: **Reno Resident Agency**  
5310 Kietzke Lane, Suite 200  
Reno, NV 89511  
Fax: 775-823-2635

Fax  Mailed

**Case/incident No:** \_\_\_\_\_

Type of Crime:      Homicide     Child Sexual Assault     Child Physical Assault   
                                  Rape     Violent Assault     Robbery     Financial Crime   
                                  Arson     Drug     Gang     Property Crime     Burglary   
                                  Other  (Explain): \_\_\_\_\_

**Suspect information:**

Name: \_\_\_\_\_ AKA: \_\_\_\_\_

Address: \_\_\_\_\_ Tribe: \_\_\_\_\_

Sex: \_\_\_\_\_ Hgt: \_\_\_\_\_ Wgt: \_\_\_\_\_ Age: \_\_\_\_\_ DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

Race: \_\_\_\_\_ Eyes: \_\_\_\_\_ Hair: \_\_\_\_\_ Other: \_\_\_\_\_

**Victim information:**

Name: \_\_\_\_\_ Sex: \_\_\_\_\_ DOB: \_\_\_\_\_ SSN: \_\_\_\_\_

Address: \_\_\_\_\_ Tribe: \_\_\_\_\_

**Information Reported: (Attach copy of police report if applicable)**

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# CONTACTS



## FEDERAL AGENCY CONTACTS

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### **Alcohol, Tobacco, Firearms & Explosives**

200 South Virginia Street, Suite 600  
Reno, NV 89501  
775-784-5251

600 Las Vegas Blvd. South, Suite 540  
Las Vegas, NV 89101  
702-387-4600

### **Bureau of Indian Affairs**

P.O. Box 4119  
Carson City, NV 89702  
Molly Hernandez  
775-882-1521

1555 Shoshone Circle  
Elko, NV 89801  
William Coochyouma  
775-738-0574

### **Bureau of Land Management**

1340 Financial Blvd.  
Reno, NV 89502  
775-861-6400

4701 North Torrey Pines Drive  
Las Vegas, NV 89130  
702-515-5000

### **Drug Enforcement Administration**

8790 Double Diamond Parkway  
Reno, NV 89521  
Shane Murray  
775-327-8916

550 South Main Street, Suite A  
Las Vegas, NV 89101  
702-759-8000

### **Federal Bureau of Investigation**

5310 Kietzke Lane, Suite 200  
Reno, NV 89511  
Brian Keeney  
775-825-6600

2363 North Fifth  
Elko, NV 89801  
Dave Elkington  
Michael Spitzer  
775-738-1880

1787 West Lake Mead Blvd.  
Las Vegas, NV 89106  
702-385-1281

### **Immigration and Customs Enforcement**

Office of Investigations	Deportation Office
1755 E. Plumb Lane, Suite 229	1351 Corporate Blvd.
Reno, NV 89502	Reno, NV 89502
775-784-5727	775-784-5170
	600 Las Vegas Blvd. South, Suite 660
	Las Vegas, NV 89101
	702-388-6414

### **Internal Revenue Service**

200 South Virginia Street, Suite 105  
Reno, NV 89501  
775-325-9390

110 City Parkway  
Las Vegas, NV 89106  
702-868-5005

**United States Attorney's Office**

100 West Liberty Street, Suite 600  
Reno, NV 89501  
Michael Large  
775-784-5438

333 Las Vegas Blvd, Suite 500  
Las Vegas, NV 89101  
702-388-6336

**United States Probation Office**

400 South Virginia Street, Suite 103  
Reno, NV 89501  
775-686-5980

300 Las Vegas Blvd. South, Suite 1200  
Las Vegas, NV 89101  
702-527-7300

**United States Marshal**

400 S. Virginia Street, Room 201  
Reno, NV 89501  
775-686-5780

333 Las Vegas Blvd. South, #2058  
Las Vegas, NV 89101  
702-388-6355

**Nevada Tribal Police Chiefs Association Members**

TRIBE	CHIEF OF POLICE	PHONE	FAX	E-MAIL	ADDRESS	CITY	ZIP
Duck Valley	BIA/Owyhee	775-757-3624	775-757-2678		311 E. Washington Street	Carson City	89701
Duckwater	Janey Bryan	775-863-0339	775-863-0330	dwtribal_policechief@mwpower.net	PO Box 140005	Duckwater	89314
Ely	Roger Miller	775-289-4888	775-289-4899	tribalpd@mwpower.net	101 Heritage Drive	Ely	89301
Fallon	Tom Pysell	775-423-8848	775-423-8898	chiefop@fpst.org	987 Rio Vista Drive	Fallon	89406
Ft. McDermitt	BIA-WNA	775-887-0616	775-883-9176		311 E. Washington Street	Carson City	89701
Goshute	Vacant	435-234-1139	775-757-2678	jerrydma@gmail.com	195 Tribal Center Road	Ibupah, UT	84034
Las Vegas Paiute	Don Belcher	702-383-1509	702-471-1394	dbelcher@lvpaiute.com	6 Paiute Drive	Las Vegas	89052
Lovelock	David Carter	775-273-7861	775-883-9176		P.O. Box 878	Lovelock	89419
Moapa Band	Kevin Moore	702-865-2828	702-865-2865	kmoore@moapatribalpd.com	PO Box 554	Moapa	89025
Pyramid Lake	Layne Erdman	775-574-1014	775-574-1006	lerdman@pplt.nsn.us	PO Box 324	Nixon	89424
Reno-Sparks	Darrell Bill	775-785-8776	775-785-9163	dbill@rsic.org	1995 E. 2 <sup>nd</sup> Street	Reno	89502
Summit Lake	BIA-WNA	775-887-0616	775-883-9176		311 E. Washington Street	Carson City	89701
<b>Western Shoshone Department of Public Safety</b>							
Battle Mountain	Larry Robb	775-738-2650	775-738-2756		1509 Shoshone Circle	Elko	89801
Elko Band	Larry Robb	775-738-2650	775-738-2756		1509 Shoshone Circle	Elko	89801
South Fork		775-744-2411	775-744-2408	sftribalpd@gmail.com			
Wells Band	Larry Robb	775-738-2650	775-738-2756		1509 Shoshone Circle	Elko	89801
Walker River	Roman Sanchez	775-773-2544	775-773-2129	rsanchez@wrpt.us	PO Box 270	Schurz	89427

TRIBE	CHIEF OF POLICE	PHONE	FAX	E-MAIL	ADDRESS	CITY	ZIP
Washoe	Richard Varner	775-265-7540	775-265-2508	richard.varner@washoetribe.us	919 Hwy 395 South	Gardnerville	89460
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