

DISTRICT OF MONTANA

2025-2026 INDIAN COUNTRY LAW ENFORCEMENT INITIATIVE

OPERATIONAL PLAN

Introduction: Montana Reservations – Prosecution and Law Enforcement Resources – Mission

Montana is a vast state with seven Indian Reservations occupying in excess of eight million acres in its northern and eastern regions. The Flathead Reservation is the only Public Law (PL) 280 reservation. The other six reservations are non-PL 280. They are the Blackfeet Reservation; the Rocky Boy's Reservation; the Fort Belknap Reservation; the Fort Peck Reservation; the Crow Reservation; and the Northern Cheyenne Reservation. In December 2019, after century-long efforts, the Little Shell Band of Chippewa Indians became a federally-recognized tribe. The legislation authorized an 800-acre reservation. It is unknown whether the Little Shell will opt for PL 280 or non-PL 280 status.

Federal crimes from Blackfeet, Rocky Boy's, Fort Belknap and Fort Peck are currently prosecuted in the Great Falls Division. Federal crimes from Crow and Northern Cheyenne are prosecuted in the Billings Division.

The FBI investigates major crimes on all six reservations. One of the reservations, Crow, has delegated tribal law enforcement responsibility to the BIA. Northern Cheyenne and Blackfeet have a combination of BIA and tribal law enforcement. The remaining three reservations, Rocky Boy's, Fort Belknap, and Fort Peck have their own 638 tribal law enforcement.

OPERATIONAL PLAN

A. Communication

General: It is important that Tribal leaders, Department of Justice leadership, and congressional members have information about the USAO's efforts to combat crime in Indian Country. The USAO will provide press releases about indictments, dispositions, and sentences to local media and the Department of Justice to be published in the Tribal Justice News publication, and continue, through email and liaison visits, to provide district-specific and national information to Tribal leaders about Indian Country issues.

The USAO website will provide links to press releases relevant to Indian Country issues.

Investigations and Prosecutions: It is crucial that the USAO inform Tribal Prosecutors about charging decisions, including cases not resolved in federal court. It is equally important that case staffing is discussed by the Tribal Prosecutor and the USAO on a regular basis so that the most appropriate charging decision, both as to the crime and jurisdiction, can be made efficiently.

USAO/Tribal Prosecution Conference: On a regular basis, the AUSA(s) assigned to a particular reservation, the Tribal Prosecutor(s), and representatives from federal and tribal law enforcement will staff cases that have arisen on that reservation by talking about potential charges and whether the case is most appropriately prosecuted in tribal court, federal court, or both courts. This will also occur on an *ad hoc* basis as needed.

Written Resolution of Cases: Cases that are referred for federal prosecution, and later resolved by referral to the tribal court, or declined because of an inability to prosecute in either court, must be resolved in writing before the Tribe's statute of limitations period expires, if possible. The resolution letter will be provided to the referring agency. The resolution letter may also be provided to the Tribal Prosecutor to inform him or her of the decision.

Sharing Information with Prosecutor: If a case is referred to the Tribal Prosecutor, the lead investigative agency will provide the Tribal Prosecutor with all appropriate reports, evidence, and information available within ten days from the date of the notice of the referral from the USAO.

Federal Agent Cooperation with Tribal Court: Federal agents working in Indian Country have a responsibility to the Tribal Court to cooperate by honoring subpoenas and providing evidence and testimony for proceedings in tribal court, consistent with federal statutes and regulations.

B. Investigation and Prosecution

A primary goal of the District of Montana's Operational Plan is to enhance law enforcement coordination in Indian Country investigations. The following guidelines apply to all non-PL 280 reservations in the District of Montana.

- **The roles of the respective law enforcement partners, prosecutors, and victim advocates.**

Law Enforcement: The investigating agency (or "lead" agency) will be responsible for conducting and coordinating the investigation, presenting the case to the USAO, and assisting the USAO at all stages of prosecution. If the agency that has primary responsibility under these guidelines for an investigation is unable to conduct or complete the investigation, other agencies may undertake the investigation.

The first law enforcement officer at a crime scene is responsible to secure the scene, preserve evidence, identify witnesses and participants, and take such other steps as may be required to ensure successful prosecution. Preservation of the crime scene is the primary concern.

On July 11, 2014, the Department of Justice implemented a policy concerning the recording of statements. The policy establishes a presumption in favor of electronically recording custodial interviews, with certain exceptions, and encourages agents and prosecutors to consider recording outside of custodial interrogations.

Joint investigations between the FBI and the BIA are mandated in cases involving death, sexual abuse and assault, kidnapping, arson, assault, and crimes involving weapons.¹ Each agency will share information, provide timely copies of reports, and fully communicate with the other agency concerning all matters relevant to an investigation. To the extent possible, resources of one agency will be made available to the other to assist in case investigation.

Prosecution: It is the role of the AUSA and Tribal Prosecutor to make a timely determination whether a case will be prosecuted in federal or tribal court, or whether the case is unable to be prosecuted, in order to maximize resources and provide victims with timely justice and closure. It is the goal of the USAO to make a charging decision in the case within three months of receipt of the completed case file.

The District of Montana has a unit of AUSAs dedicated specifically to Indian Country violent crime, led by a Deputy Criminal Chief. The Indian Country Deputy Criminal Chief will assist the Criminal Chief by supervising the district's Indian Country Unit, and by providing leadership and training to the AUSAs who prosecute crime that occurs in Indian Country in the District of Montana.

Victim Witness Personnel: It is the role of victim witness specialists to assist victims and witnesses throughout the investigation and/or prosecution of a case. To that end, the USAO employs two victim/witness specialists. Additionally, the FBI and the BIA in the District of Montana employ victim specialists that are present on all six reservations under federal jurisdiction. The USAO has a Victim and Witness Assistance Policy for the District of Montana, which is appended to this Plan.

Tribal SAUSA Programs: To enhance collaboration and cooperation between the USAO and the Tribes, particularly in the areas of domestic violence, violent crime, and drug prosecutions, the USAO will encourage law-trained Tribal Prosecutors to become Special Assistant United States Attorneys (SAUSAs) and prosecute select cases in federal court. Tribal SAUSAs will be able to take advantage of the training opportunities at the National Advocacy Center and will be supervised and supported by the USAO.

DOJ Indian Country Fellowship Program: The USAO will continue to support the Indian Country Fellowship Program and consider for acceptance the successful candidate each year if that candidate chooses to serve the fellowship in Montana, in order to expand the capacity of our Indian Country unit and encourage interest in USAO work in Indian Country. Additionally, because the three-year fellowship includes one year at a tribal prosecutor's office,

¹ As set forth above, not all of the reservations in Montana have BIA law enforcement. On those reservations, the FBI works jointly with Tribal investigators.

support for the program will also add capacity to that office and enhance collaboration and cooperation between that tribal criminal justice system and the USAO.

Enhanced Tribal Sentencing: The USAO will support the efforts of all Tribes able to participate in enhanced sentencing and prosecution of non-Indians for domestic violence offenses by providing training and assistance. The Fort Peck Reservation is the only location in Montana currently exercising enhanced jurisdiction and sentencing.

- **Prosecution guidelines or threshold requirements for Indian Country cases.**

The USAO will prosecute all viable federal crimes occurring in Indian Country that meet the prosecution guidelines and threshold requirements of the USAO.

- **Multidisciplinary Team (18 U.S.C. § 3509(g)) to investigate or provide case management for child abuse and/or child sexual abuse cases.**

There are currently Multidisciplinary Teams (MDTs) operating on all non-PL 280 reservations in the District of Montana. It is a priority for the AUSA(s) assigned to each reservation to attend the MDT meeting on their assigned reservation either in person, by VTC if available, or by phone. The AUSA shall have discretion to appear by phone, VTC, or in person, at a location on the reservation, as long as the AUSA appears in person at least quarterly and understanding that the preferred practice is to attend meetings in person. There is significant spillover crime among the tribal communities and neighboring counties, especially crimes involving children. To that end, several MDTs have members that are employed by neighboring counties.

- **Child Advocacy Centers**

The District of Montana will continue to advocate for centers on all non-PL 280 reservations. Child advocacy centers are housed in existing facilities, such as IHS clinics and BIA office space. Representatives from many disciplines meet on a regular basis to discuss and make decisions about the treatment, investigation, and prosecution of child abuse cases. Child advocacy centers are also focused on the treatment of the victim and family to prevent further victimization of children.

- **Sexual Assault Awareness**

The District of Montana regards sexual abuse as a top priority for the office. The USAO has Sexual Assault Response Teams (SARTs) operational on each of the six non-PL 280 reservations. The USAO has a SART Protocol and Sexual Violence Response Guidelines, which are appended to the Plan.

- **Tribal, state, and local cross-deputization agreements/memoranda of understanding (MOUs) or ongoing efforts or plans to encourage such agreements.**

The USAO supports the use of cross-deputization agreements and memoranda of understanding (MOUs) to use limited law enforcement resources most effectively.

C. Training

There is a need for regularly scheduled training for Indian Country law enforcement, USAO personnel working in Indian Country, Tribal Court personnel, and Tribal leadership. The USAO, in conjunction with the National Indian Country Training Initiative, will track the subject, attendees, date, and location of training provided.

The USAO has determined that some of our most effective trainings are conducted on the reservations. The USAO will continue to work with the FBI and other federal and local law enforcement to formulate trainings that are specific to the needs of each community and consistent with DOJ policy.

The USAO will encourage and advise tribal law enforcement of opportunities for training under the Special Law Enforcement Commission and will participate in those trainings as appropriate.

The USAO's Indian Country Unit meets periodically. Components of the meetings shall include training specific to the dynamic nature of the practice, including best trial practices, tribal law updates, and federal case updates.

Specifically, in 2025-2026, in addition to the training set forth in Sections F, G, and H below, training will be provided as follows:

- All training will be directly connected to the core mission of public safety;
- Certain areas of law enforcement's duties in enforcing laws, and successful prosecutions of those offenses, require regular critical training in areas such as investigative techniques, statutory updates or other legal changes, Fourth Amendment and Fifth Amendment, report writing, and jurisdiction. The USAO, in coordination with the FBI and BIA, will conduct trainings for local law enforcement on each Reservation focusing on the areas identified as critical; and
- The distribution of illegal drugs is also crippling Indian Country. Continuing to investigate and vigorously prosecute federal drug offenses in Indian Country is critical to the core mission of public safety. The USAO will work with law enforcement working in Indian Country on how to investigate drug cases.

D. Outreach

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

- The United States Attorney, Tribal Liaison/AUSA, and other designated points of contact with the United States Attorney's Office will meet with tribal leadership and law enforcement at least two times per year to listen, answer questions, and provide information about the USAO's efforts in Indian Country. Throughout the year, the Tribal Liaison/AUSA will stay in regular contact with the Law-and-Order Committee or similar committee of each reservation to answer any questions, provide information, and advise the United States Attorney of any issues.
- The USAO will support prosecutions of drug distribution crimes referred by federal and tribal law enforcement agencies and support the formulation of drug task forces or working groups covering all Montana reservations.
- The USAO will use Tribal SAUSAs when possible. The District of Montana currently has one SAUSA on the Crow Indian Reservation and one SAUSA on the Flathead Indian Reservation. Funding has been made available for a Tribal SAUSA on the Blackfeet Indian Reservation.
- The USAO will assist the Tribes in the District of Montana by providing information about grants provided by the Department of Justice.
- The USAO will support the DEA's Drug Take Back program on all reservations.

E. Support for Viable Crime Prevention Programs

The USAO will support organizational efforts to prevent violence, including but not limited to encouraging Tribes and tribal entities to seek funding opportunities through the Office of Justice Programs, the Office of Violence against Women (OVW), and Community Oriented Policing Services (COPS).

F. Violence Against Women

The USAO is committed to vigorous investigation and prosecution of domestic violence and other crimes against women and children in Indian Country. The USAO will prosecute all such viable cases.

Specific to sexual assault cases, the USAO will work in conjunction with the FBI, IHS, BIA and Tribes to:

- Consistent with DOJ policy, provide training to medical professionals and law enforcement personnel about how best to investigate and document information provided by rape victims.

- Encourage IHS and tribal medical facilities to provide adult victims with access to competent and compassionate medical professionals with the requisite skill to perform forensic medical examinations.

Specific to domestic violence cases, the USAO will:

- Consistent with DOJ policy, provide training to law enforcement about investigation techniques that will improve the ability to successfully prosecute domestic violence cases.

G. Missing and Murdered Indigenous Persons

In response to the passage of Savanna's Act, which was signed into law on October 10, 2020, the USAO maintains guidelines and resource materials for responding to cases of missing and murdered AI/AN, which are appended to this Plan.

H. Accountability

The USAO will provide periodic training to USAO personnel:

- on entering accurate and timely information on Indian Country matters and cases into its case management system; and
- on recording time under the appropriate USA-5/5A categories, including the use of Indian Country under 5A.

I. Guardians Project

The Guardians Project is intended to curb fraud and corruption associated with federally-funded programs in Montana. The Project brings together many federal agencies with responsibility to conduct audits and investigations regarding those funds. The Project also offers training to tribal personnel on how to properly administer federal grant funds and to report fraudulent activity.

J. Crime Strategies and Trends

In addition to violent crime involving women and children in Indian Country, after consultation with Tribal leadership and law enforcement, and federal law enforcement (FBI, BIA, DEA, and ATF), the USAO has identified two leading crime trends in Indian Country in Montana. Methamphetamine abuse leads to violent and property crime. Additionally, violent crime involving firearms is more prevalent today. To address these trends and reduce substance abuse, violent crime, and gun violence, under Operation Take Back America and Project Safe Neighborhoods, the USAO stands ready to prosecute any cases involving drug and gun offenders.

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K. Agencies by Reservation

The lead investigating agency, tribal law enforcement agencies, child protective services, and victim services for the reservations in Montana, and MOUs are as follows:

Blackfeet Indian Reservation:

Lead Investigating Agency: FBI and BIA

Tribal Law Enforcement Agency: Blackfeet Law Enforcement Services

Child Protective Services: BIA Social Services

Victim Services: FBI, BIA, and USAO

Rocky Boy's Indian Reservation:

Lead Investigating Agency: FBI

Tribal Law Enforcement Agency: Chippewa Cree Law Enforcement Services

Child Protective Services: Tribal Social Services

Victim Services: FBI and USAO

Fort Belknap Indian Reservation:

Lead Investigating Agency: FBI

Tribal Law Enforcement Agency: Fort Belknap Law Enforcement Services

Child Protective Services: Tribal Social Services

Victim Services: FBI and USAO

Fort Peck Indian Reservation:

Lead Investigating Agency: FBI

Tribal Law Enforcement Agency: Fort Peck Tribes Department of Law and Justice

Child Protective Services: BIA Social Services

Victim Services: FBI and USAO

Northern Cheyenne Indian Reservation: Lead Investigating

Agency: FBI and Northern Cheyenne Investigation Services

Tribal Law Enforcement Agency: Northern Cheyenne Investigation Services

Child Protective Services: BIA Social Services

Victim Services: FBI, BIA, and USAO

Crow Indian Reservation:

Lead Investigating Agency: FBI and BIA

Tribal Law Enforcement Agency: Crow Tribe Law Enforcement

Child Protective Services: BIA Social Services

Victim Services: FBI, BIA, and USAO