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Dear Friends and Colleagues:

This letter will update you on the progress of the United States Attorney's Office's Anti-Violence Strategy for Tribal Communities in North Dakota. Two years ago, in June 2011, we implemented the Anti-Violence Strategy ("the Strategy"), shared it with our tribal and law enforcement partners, and announced it to the general public. The Department of Justice ("DOJ") requires that all U.S. Attorney's Offices review operational plans for Indian Country, such as the Anti-Violence Strategy, on an annual basis. On July 23, 2012 we completed our first review of the Strategy. This is the report of the North Dakota United States Attorney's Office's ("USAOND") second annual review of the Strategy.

The Anti-Violence Strategy was the culmination of our consultations with the tribes in North Dakota and with our federal, tribal, state, and local law enforcement partners. These consultations continue as we seek feedback and input from our tribal and law enforcement partners on our efforts to reduce violence in tribal communities. The Strategy identified a three-pronged approach toward violence prevention on the reservations focusing on enforcement of federal criminal laws, support for effective crime prevention initiatives, and a desire to improve the reentry process for those returning to Indian country from incarceration. The Strategy identified key changes made within the USAOND to take action in furtherance of each of these three prongs. The Anti-Violence Strategy is available on line at <http://www.justice.gov/usao/nd/ic/anti-violence.html>. On July 23, 2012 we published a letter detailing our first ever review of the Strategy. It addressed specific steps we had taken as an Office to support the key prongs of enforcement, prevention, and reentry that are necessary to the improvement of public safety on the reservations in North Dakota. It also looked forward to goals we hoped to achieve in Year Two of the Strategy.

In this letter we will summarize our Year Two efforts to implement the Strategy, and also to identify additional efforts we have planned to support the implementation of the Anti-Violence Strategy in Year Three.

I. Year Two: Implementation of the Anti-Violence Strategy.

In the second calendar year of implementation of the Anti-Violence Strategy we have continued to build on the positive progress we made in our first year of working. Specific areas of progress and initiatives of note are discussed below.

A. Enforcement of Federal Criminal Laws: Making Tribal Communities Safer.

The central mission of the prosecutors in the USAOND who work in Indian Country is enforcement of federal criminal statutes. In the last year, we have worked hard to vigorously enforce federal criminal laws which punish sexual assaults, domestic assaults, gun offenses, drug-related crimes, and other acts of violence on the reservations. These efforts remain our first priority and the cornerstone of our Anti-Violence Strategy.

Increase in the Prosecution of Crime in Indian Country. Because of the initiatives we have put in place under our Anti-Violence Strategy we have seen a sharp rise in the number of criminal cases filed in Indian Country. Department of Justice Statistics indicated a 78 percent increase in the number of Indian Country defendants charged and a 98 percent increase in the number of Indian Country cases filed from fiscal year¹ (“FY”) 2009 to FY2011. For FY2013, projections are that we will match or exceed our FY2011 numbers for defendants and cases charged. These increases in Indian Country have also resulted in a large reduction in the number of “non-prosecution” or “declination” decisions by USAOND. Specifically, comparisons of (1) the 2010 United States Government Accountability Office study of Indian Country declination rates from FY 2005 to FY2009, and (2) the new 2013 DOJ Indian Country Investigation and Prosecution Report (which was required by the 2010 Tribal Law and Order Act) indicate that USAOND’s declination rate has been cut in half. While USAOND strongly believes declination rates are not a perfect tool to evaluate the progress in reducing violent crime in tribal communities, there is no question that increasing prosecution numbers and decreasing declination rates mean that USAOND is working more aggressively to remove the most dangerous predators from reservations in North Dakota. Many factors have contributed to this increase in prosecution numbers and decrease in declination rates. First, as part of the Anti-Violence Strategy, we committed additional

¹ DOJ’s Fiscal Year runs from October 31 to September 30.

prosecutorial resources to Indian Country. We assigned an additional Assistant United States Attorney (“AUSA”) the responsibility for the prosecution of violent crime in tribal communities. This increased the number of Indian Country at USAOND from three to four. Additionally, our Community Prosecution Strategy (discussed below) helped establish closer working relationships between AUSAs and Indian Country law enforcement and this has helped improve the quality of investigations presented for prosecution.

Implementing a Community Prosecution Model. Under the Anti-Violence Strategy each AUSA assigned to prosecute cases from a reservation is required to visit that reservation several times per year. From July 1, 2012 to June 31, 2013, USAOND personnel made over 50 such trips to the reservations in North Dakota. During these trips we emphasized communication with our tribal law enforcement and tribal court partners. We engaged in a number of activities on the reservations, including convening multi-disciplinary team (“MDT”) meetings; attending child-protection team meetings; reviewing and coordinating case investigations with Federal Bureau of Investigation (“FBI”), Bureau of Indian Affairs (“BIA”), and tribal law enforcement; reviewing and coordinating charging decisions with tribal prosecutors; providing training to BIA, tribal, and county law enforcement; and providing training or support to the tribal courts. These efforts have improved communication between USAOND and both the tribes whose reservations we serve and law enforcement agencies and tribal court personnel who are working to improve public safety in Indian Country. Better communication means better investigations, better prosecutions, and safer reservations.

Creation of White Collar Crime/Public Corruption Team. In the fall of 2012, as part of an office-wide effort to centralize the prosecution of white collar crime and public corruption cases, USAOND created a White Collar Crime/Public Corruption Team. This organizational change increased resources dedicated to Indian Country. AUSAs who are part of the White Collar Crime/Public Corruption Team (none of whom formerly had formal Indian country case responsibility) are now assigned white collar and public corruption cases that arise in Indian Country. This change also streamlined the case load of AUSAs assigned to Indian Country who are now free to concentrate their practice on prosecution of violent crimes. It has also brought additional expertise to the prosecution of white collar crime and public corruption cases in Indian Country through assignment of AUSAs who specialize in this area to those matters.

Operation Prairie Thunder. In the summer of 2012 seventeen defendants were arrested and charged with drug trafficking offenses in federal court in North Dakota and South Dakota and in Standing Rock Sioux Tribal Court as a result of “Operation Prairie Thunder.” The federal and tribal drug charges resulted from a 14-month investigation by FBI and BIA on the Standing Rock Reservation. Operation Prairie Thunder highlighted

USAOND's commitment to an Indian Country strategy that is built on close cooperation between federal, state, local, and tribal law enforcement agencies and prosecutors. This cooperation resulted in charges being filed, not just in federal court, but also in the Standing Rock Sioux Tribe's own tribal court where appropriate.

Operation Winter's End. In the spring of 2013 twenty-two defendants were arrested and charged in federal court with conspiracy to distribute heroin and methamphetamine as a result of "Operation Winter's End." A long-term investigation by the FBI and BIA determined that, beginning in the summer of 2012, large amounts of heroin and methamphetamine had begun to be trafficked on and around the Ft. Berthold Reservation in northwest North Dakota. The Operation Winter's End charges are a first step by USAOND and its federal law enforcement partners towards addressing increased organized drug distribution activities on the Ft. Berthold Reservation resulting from the growing population associated with the Bakken oil boom. As new organized drug trafficking operations move into the Ft. Berthold Reservation, USAOND will rely on close cooperation between federal, state, local, and tribal law enforcement agencies to address this growing threat.

DOJ Directors Award Presented to AUSA for work in Indian Country Human Trafficking Case: In the Summer of 2013 the Department of Justice awarded its 2013 Director's Award for Outstanding Performance in Indian Country to AUSA Rick Volk. This award, one of the highest in DOJ, was presented to Volk for his successful prosecution of the Office's first-ever Indian Country Human Trafficking case. In that case, Defendant Dustin J. Morsette was sentenced to 45 years in prison on charges of sex trafficking, sexual abuse, drug trafficking and witness tampering. According to trial testimony, Morsette used physical force and coercion to cause an adult female he had recruited for a gang he controlled to engage in commercial sex acts on the Ft. Berthold Indian Reservation and in Williston and Minot.

B. Crime Prevention: Support for Crime Prevention Initiatives in Tribal Communities.

Although essential as a short-term approach, the aggressive enforcement of federal criminal statutes in tribal communities will not solve the violent crime problems on the reservations in the long term. Put simply, we cannot arrest our way out of this problem. We must augment our enforcement efforts with support for viable, community-based crime prevention efforts in those communities beset by violence. In the last year the USAOND has taken on the challenge of crime prevention activities on the reservations like never before.

1. Support for Tribal Prosecutors and Tribal Courts.

USAOND believes that one of the most important factors for improving public safety on a given reservation is the presence of a strong tribal court system. The presence of a tribal court system that efficiently and consistently handles misdemeanor offenses in a process independent of the other parts of tribal government, improves public safety. USAOND has worked hard in Year Two of the Anti-Violence Strategy to support and help improve the tribal court systems in North Dakota.

Standing Rock Sioux Tribe Special Assistant United States Attorney. In late 2011 the USAOND entered into an agreement with the Standing Rock Sioux Tribe to have the Tribe's Chief Prosecutor appointed a Special Assistant United States Attorney ("SAUSA"). In October 2012 we entered into a second agreement to have the Tribe's Assistant Prosecutor appointed a SAUSA as well. With this designation the Tribe's prosecutors both have the ability to appear in United States District Court, along with an AUSA, to represent the United States in the prosecution of certain violent crimes committed on the Standing Rock Sioux Reservation. This arrangement highlights the relationship the USAOND has been built with the Standing Rock Sioux Tribe and their Tribal Prosecutor's Office, and the commitment we have to work together as partners to address violent crime.

Implementation of DOJ/OVW Grant for Standing Rock Sioux Tribal SAUSA to Prosecute Domestic Violence Cases. In 2012 DOJ's Office of Violence Against Women ("OVW") awarded a grant to the Standing Rock Sioux Tribe to hire an additional Tribal Prosecutor/SAUSA to prosecute domestic violence cases at Standing Rock. USAOND worked hand-in-hand with the Tribe's Judicial Council to list this position, interview, and hire a very qualified applicant. This new DOJ/OVW-funded Tribal Prosecutor/SAUSA has been in place since April 2013 and is currently prosecuting domestic violence cases in both tribal and federal court.

USAOND and UND School of Law Expand Externship Program to Tribal Courts. In Sumer 2013 USAOND's Summer Externship program with the University of North Dakota School of Law ("UND") was expanded to include an additional "Tribal Prosecutor Extern." This extern, a UND law student between her first and second year, spent the summer assisting in the prosecution of crimes in the Standing Rock Sioux Reservation's Tribal Court. The extern observed tribal prosecution first-hand at Standing Rock and worked with both AUSAs and tribal prosecutors. Further, an added benefit of this program was that the Standing Rock Tribal Prosecutor's Office received additional legal resources to help improve public safety. It is the hope of USAOND that, over time, this externship program will result in more young North Dakota lawyers interested in practicing in, and working for, tribal courts in the future.

Support of the Violence Against Women Act's Restoration of Tribal Court Jurisdiction over Certain Domestic Violence Offenses Committed on the Reservation. In my role as Chair of DOJ's Native American Issues Subcommittee ("NAIS"), I was part of DOJ's efforts to secure passage of those portions of the Violence Against Woman Act ("VAWA") that restored to tribal courts criminal jurisdiction over certain domestic violence offenses committed on the reservations. To date, three of the tribes in North Dakota have sought to participate in the initial "Pilot Project" phase implementing these provisions of VAWA. USAOND and DOJ are actively participating in this process by providing training and technical assistance to tribal court personnel who will be making the required "due process protection" changes to their court systems in order to implement VAWA. Additionally, I spoke out strongly in support of Tribal courts and the restoration of this domestic violence jurisdiction in an op-ed published state-wide in April 2013. See *VAWA Provides More Tools to Fight Domestic Violence on North Dakota Reservations*: <http://www.justice.gov/usao/nd/news/VAWA%20Op-ed.pdf>

2. Increased Communication and Collaboration with Tribal Partners.

Identification of, and support, for viable crime prevention programs on the reservations can only be achieved through open communications between the USAOND and our tribal partners. There is no question the single greatest success of the Anti-Violence Strategy and the Community Prosecution Strategy to date has been the restoration and improvement of these communication lines. USAOND is especially proud of our progress in this regard, but we realize that enhanced communication strategies require continuous attention and we are committed to continuing our efforts here.

Offering Hope to Victims in the Spirit of Justice Conference. USAOND partnered with the South Dakota United States attorney's Office to offer a conference to providers of direct victim services working on reservations in North Dakota and South Dakota. This year's conference was held in July 2012 in Fargo, North Dakota. This was the first time this annual conference had been held in North Dakota. The three-day conference provided training to professionals working with victims of crime in tribal communities. Approximately 200 direct-service providers, law enforcement officers, medical staff, mental-health professionals, and court personnel attended.

USAOND Hosts DOJ's Native American Issues Subcommittee. USAOND hosted the NAIS in Bismarck on September 12 and 13, 2012. The NAIS is made up of 30 U.S. Attorneys from across the United States whose Districts contain Indian Country or one or more federally recognized tribes. The NAIS focuses exclusively on Indian Country issues, both criminal and civil, and is responsible for making policy recommendations to the Attorney General of the United States regarding public safety and legal issues that

impact tribal communities. While in North Dakota the NAIS met in a joint session with the United Tribes Technical College's Tribal Leader Summit. This joint meeting featured remarks to the NAIS by the Tribal Chairmen of all five reservations in North Dakota. The NAIS and tribal leaders also heard presentations from North Dakota AUSAs Jan Morley, Rick Volk, and Gary Delorme on innovative Indian Country prosecutions and outreach programs that USAOND has engaged in over the past two years. I served as the Vice Chair of the NAIS in 2012 and I was appointed Chair of the NAIS by Attorney General Eric Holder in 2013.

Town Hall Meeting on Child Safety at Spirit Lake Nation. In February 2013, in response to community concerns about the investigation by law enforcement of reports of child abuse on the Spirit Lake Reservation, USAOND and BIA participated in Town Hall Meeting on the Spirit Lake Nation to underscore USAOND's commitment to working with the Tribe and the community to improve child safety. Community voices of support, concern, frustration, hope and commitment to be part of a collective solution were all heard at this meeting. USAOND reiterated the fact that all allegations of crimes against children at Spirit Lake are turned over to FBI and BIA law enforcement for investigation. The emphasis by USAOND, FBI and BIA on cases involving child victims can be seen in the strong record of prosecution of violent crimes against children at Spirit Lake, and across Indian Country in North Dakota, over the past three years.

Work Towards Cross-deputation Agreements at Turtle Mountain Reservation. In spring 2013 USAOND met with the Chair of the Turtle Mountain Band of Chippewa, the BIA Chief of Police for Turtle Mountain, representatives from the North Dakota Bureau of Criminal Investigation, the Chief of Police for the City of Rolla, and the Rolette County Sheriff and State's Attorney. At these meetings the USAO was able to facilitate (1) an increased understanding concerning the state prosecution of non-Native American offenders who commit crimes on the Turtle Mountain Reservation, and (2) a commitment by BIA and the Rolette County Sheriff's Department to explore the possibility of entering a Cross-deputation Agreement to simplify and streamline law enforcement response to crimes in Rolette County, on and off the reservation. It is the belief of USAOND that Cross-deputation Agreements and other methods of enhancing cooperation between tribal and state law enforcement agencies are crucial to improving the public safety on the reservations in North Dakota.

USAOND's Third Annual Tribal Consultation Conference. USAOND hosted the 2013 Tribal Consultation Conference on August 1, 2013 at United Tribes Technical College in Bismarck. The event brought together tribal and law enforcement leaders from across the state to discuss how they can work together to improve public safety in tribal communities in North Dakota. The conference featured remarks by Tribal Chairmen Charles Murphy, Standing Rock Sioux Tribe, Richard McCloud, Turtle

Mountain Band of Chippewa, Russ McDonald, Spirit Lake Nation, and Tex Hall, Three Affiliated Tribes of Ft. Berthold as well as a much-discussed address by United States District Court Chief Judge Ralph R. Erickson. The conference also featured working breakout sessions. Breakout sessions topics included: (1) Addressing Domestic Violence in Tribal Communities; (2) Juvenile Justice in Indian Country: Issues Arising From Federal and Tribal Prosecution of Juveniles; and (3) Linking Federal, State, and Tribal Law Enforcement Authorities Together for Improved Coordination of Investigations. The breakout sessions were designed to gather input from tribal and law enforcement participants on key areas of concern. The USAO's Annual Tribal Consultation Conference and the open communication the conference fosters between the Tribes and the USAO remains an integral part of the Anti-Violence Strategy.

II. Looking Forward: Additional Efforts Designed to Support the Anti-Violence Strategy.

While additional progress has been made in Year Two, there remains much to do to make tribal communities in North Dakota safer. At USAOND we have identified several areas where we will take action in the coming year.

Department of Justice National Indian Country Consultations Come to Bismarck.

The week of October 28, 2013 will be an important one for the Department of Justice, the USAOND, and the tribes in North Dakota. DOJ has scheduled several national Tribal Consultations to take place in Bismarck that week. Scheduled to take place are: (1) an DOJ Office of Justice Program ("OJP") Interdepartmental Tribal Justice, Safety and Wellness Session; (2) a DOJ OVW Violence Against Woman Act Consultation Session; (3) a meeting of the Intertribal Working Group that is assisting DOJ in establishing the tribal court pilot projects that will initially exercise restored domestic violence jurisdiction under VAWA; (4) and the inaugural public meeting of the DOJ Federal Advisory Committee on American Indian/Alaska Children Exposed to Violence. These consultations will bring the top ranking officials from DOJ to Bismarck to meet face-to-face with tribal leaders to discuss critical issues of public safety, violence against women and the future of American Indian youth. USAOND is honored that DOJ has chosen our District for these important consultations.

The Bakken Oil Boom and Public Safety at Ft. Berthold. The Bakken oil boom in northwestern North Dakota has brought unprecedented economic opportunity to that part of the state. At the same time, however, exploding population growth in the region has led to a marked increase in crimes committed. Local law enforcement has become more and more "reactive" and less "proactive" in their efforts. This scenario has put the area at risk for an increase in organized criminal activity such as drug trafficking and prostitution. The Ft. Berthold reservation sits at the heart of the Bakken oil boom and the

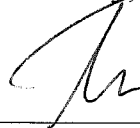
public safety challenges described above are seriously impacting law enforcement and courts on the reservation. The Three Affiliated Tribes run the police department and the court system on the Ft. Berthold reservation under “638” contracts with the BIA. As such, the tribe has an important part to play in protecting its public safety by continuing to work to strengthen those institutions. USAOND is also committed the struggle to protect the public safety of the residents of the Ft. Berthold Reservation. First, USAOND will continue to work with the FBI and our other law enforcement partners as we did in Operation Winter’s End (detailed above) to identify, investigate, prosecute and disrupt organized criminal enterprises operating at Ft. Berthold. Additionally, USAOND will work with our partners at BIA Office of Justice Service and at other components within DOJ to explore ways to re-direct scarce federal resource to the Ft. Berthold Reservation to assist in this fight.

A First Step Towards Meeting the Challenge of Reentry. The final prong of the USAOND’s Anti-Violence Strategy is to work to improve the manner in which those convicted of criminal violations in federal court reenter tribal communities after serving their federal sentences. The importance of support for reentry efforts has become a priority for DOJ. In August 2013 Attorney General Holder highlighted the need for strong reentry programs in his SMART on Crime speech to the American Bar Association Conference in San Francisco. In September 2013 the Deputy Attorney General issued guidance to all USAO’s requiring them to designate a Reentry and Prevention Coordinator. While DOJ and USAOND’s commitment to improving our efforts in reentry is strong, addressing this critical part of our Anti-Violence Strategy has proven challenging because, as prosecutors, it can be difficult for us to engage in reentry in an impactful way. However, progress has been made. USAOND, in partnership with U.S. Probation and Pre-trial Services (“USPPTS”), expects within the next year to begin a reentry program loosely based upon the evidence-based Boston (Massachusetts) Reentry Initiative. This program will initially consist of intervention by USAOND and others with offenders returning to North Dakota from federal prison. This intervention will include direct discussions with the reentering offenders about the consequence of re-offending. Over time, we hope to be able to add the ability to make referrals to available service providers on specific issues to this intervention process. USAOND cannot address the issue of reentry on its own. We are thankful that we have great partners at USPPTS and the U.S. District Court who are also committed to this effort.

III. Conclusion: Request for Feedback.

As we have said since we took up this challenge, the Anti-Violence Strategy will not solve all of the public safety issues in tribal communities. Rather, the Anti-Violence Strategy is subject to growth and change as lessons are learned from shared experiences. As such, we will always seek feedback from tribal members and law enforcement officials. We have begun together the journey toward safer tribal communities in North Dakota. As always, we look forward to continuing this journey with you.

Sincerely,



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