

United States Attorney's Office  
District of North Dakota

Anti-Violence Strategy for  
Tribal Communities in North Dakota



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**U. S. Department of Justice**

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June 15, 2011

Dear Friends and Colleagues:

The purpose of this letter is to introduce our Anti-Violence Strategy for Tribal Communities in North Dakota.

The Anti-Violence Strategy is the culmination of our consultations with the tribes in North Dakota and with our federal, tribal, state, and local law enforcement partners. Over the past ten months, the North Dakota United States Attorney's Office (USAOND) has conducted extensive consultations about public safety with tribal leaders on their reservations. Additionally, we have reached out to law enforcement agencies which have a role in tribal communities and vigorously solicited their input on how to improve public safety. On March 16, 2011, we brought the tribes and law enforcement agencies together at United Tribes Technical College in Bismarck, North Dakota for the first North Dakota United States Attorney's Office Tribal Listening Conference. This Anti-Violence Strategy is the result of these consultations, as well as the recently enacted Tribal Law and Order Act of 2010, and the Department of Justice's Indian Country Initiative.

The Anti-Violence Strategy begins with an overview of the District of North Dakota and the tribal communities within the District. The Strategy then describes a framework for our efforts to reduce violence in tribal communities. It sets forth a three-pronged approach toward violence prevention that is focused on enforcement, prevention, and reentry. The Strategy also includes a summary of the changes we are making within the USAOND to take action in furtherance of each of these three prongs. Finally, it includes an addendum specific to each tribe which summarizes many of the tribe-specific challenges that were raised at the Tribal Listening Conference, as well as specific actions to be undertaken by the USAOND to address these concerns.

Key aspects of this strategy include:

\* **Committing Additional Prosecutive Resources to Indian country:** We have assigned an additional Assistant United States Attorney (AUSA) the responsibility for the prosecution of violent crimes in tribal communities. This has increased the number of AUSAs at the USAOND assigned to prosecute violent crimes on the four high-referral reservations from three to four. This change represents a 33-percent increase in the number of AUSAs at the USAOND with responsibility for prosecution of violent crimes in our District's four high-prosecution referral tribal communities. Further, each AUSA is now assigned prosecution responsibility for a single reservation. This allows each of them to focus tribal consultation efforts toward a single tribal community. This change will result in additional USAOND resources being directed to the enforcement prong of our Anti-Violence Strategy.

\* **Implementing a Community Prosecution Model:** Each AUSA assigned responsibility for a reservation is now being required to physically visit that reservation several times per year, in addition to case-related travel. While on the reservation, the AUSA will put an emphasis on communicating with our tribal law enforcement and tribal court partners. Our Tribal Liaison and the United States Attorney will also make additional visits to each reservation in North Dakota throughout the year to engage in government-to-government consultations with the Tribal Chairs and Tribal Councils. These changes, and the activities of the AUSAs, Tribal Liaison, and USA while on the reservations, will result in additional USAOND resources being directed to the enforcement and prevention prongs of our Anti-Violence Strategy.

\* **Launching of the Annual Tribal Listening Conference:** We will make the North Dakota United States Attorney's Office's Tribal Listening Conference an annual event. Nearly 150 people attended the Conference held on March 16, 2011, at United Tribes Technical College in Bismarck, North Dakota. The editorial page of the Bismarck Tribune wrote that the "discussion, dialog and partnership possibilities [at the Conference] were exciting and encouraging" and that the spirit of co-operation and listening evidenced at the Conference "could lead to something big." "State's Largest Minority has Huge Impact," Bismarck Tribune, March 20, 2011. Making this event an annual occurrence will result in additional USAOND resources being directed to the prevention and reentry prongs of our Anti-Violence Strategy.

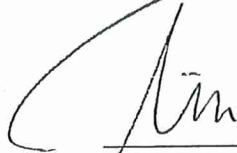
Anti-Violence Strategy

Page three

June 15, 2011

This Anti-Violence Strategy will not solve all of our public safety challenges in tribal communities. Further, it is not intended to be the final word on public safety on the reservations in North Dakota. Rather, our hope is that the Strategy is the first step in a new era of government-to-government consultation and cooperation between the USAOND and the tribes in North Dakota and that this document opens a new conversation with tribal communities and with our law enforcement partners. The Anti-Violence Strategy is subject to growth and change as lessons are learned from shared experiences. As such, we invite feedback from tribal members and law enforcement officials. Having taken this new step toward safer tribal communities together, we look forward to continuing this journey with you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim', is written over a horizontal line. The signature is stylized and cursive.

TIMOTHY Q. PURDON  
United States Attorney

TQP:ceb

**United States Attorneys' Office, District of North Dakota**  
**Operations Plan for Indian Country:**  
**An Anti-Violence Strategy for Tribal Communities in North Dakota**

*"Federal prosecutors should see themselves as neighborhood problem solvers, not case processors."*

- Attorney General of the United States Eric Holder, Project Safe Neighborhoods Conference, New Orleans, Louisiana, July 2010

**I. Tribal Communities in the District of North Dakota**

North Dakota was admitted to the United States of America in 1889 and covers 68,994 square miles. The 2010 Census reports that North Dakota has a population of over 672,591. The District of North Dakota encompasses the entire state of North Dakota.

According to the 2010 Census, North Dakota has approximately 36,500 people (5.4 percent of the population) who consider themselves Native American. This number increases when people who consider themselves part Native American are added. In 2009 the North Dakota State Data Center reported an estimated 43,167 people in North Dakota considered themselves all or part Native American.

Contained within the state are the whole or part of four reservations: the Fort Berthold Reservation, home to the Three Affiliated Tribes (the Mandan, the Hidatsa, and the Arikara); the Spirit Lake Reservation, home of the Spirit Lake Tribe; the Standing Rock Reservation, home of the Standing Rock Sioux Tribe; and the Turtle Mountain Reservation, home to the Turtle Mountain Band of Chippewa Indians. Federal jurisdiction exists over all of these reservations.

The Fort Berthold Reservation was created by the Fort Laramie Treaty of 1851, and is located in the west central part of North Dakota. It is home to the Three Affiliated Tribes, comprised of the Mandan, Hidatsa, and Arikara (Sahnish) Tribes. The Fort Berthold Reservation is the largest reservation in the state in terms of area. It covers 981,215 acres and lies within portions of six counties: Dunn, McKenzie, McLean, Mercer, Mountrail, and Ward. Approximately 4,500 Native Americans live on the reservation according to the 2010 Census. This is the only reservation in North Dakota where law enforcement is the primary responsibility of the local Tribe pursuant to a contract between the Tribe and the Bureau of Indian Affairs. The BIA maintains the primary criminal investigatory responsibilities on the Fort Berthold Reservation.

The Spirit Lake Reservation was established in 1867 by treaty between the United States and the Sisseton-Wahpeton Sioux Bands. It is located in the east central part of the state. The reservation covers approximately 245,000 acres and lies within portions of four

counties: Benson, Eddy, Nelson, and Ramsey. The 2010 Census figures report that approximately 3,600 Native Americans live on the reservation.

The Standing Rock Sioux Reservation lies within both North Dakota and South Dakota. It was established by the Fort Laramie Treaty of 1868. The North Dakota portion of the reservation includes all of Sioux County, located in the south central part of North Dakota. The North Dakota portion of the reservation covers approximately 722,000 acres. Members of the Standing Rock Sioux Tribe are from the Dakota and Lakota nations. The 2010 Census reports that approximately 3,500 of the over 4,000 residents of the Standing Rock Reservation are Native American.

The Turtle Mountain Indian Reservation is home to the Turtle Mountain Band of Chippewa Indians. The reservation was created by Executive Orders of December 21, 1882, and March 29, 1884. It is located within Rolette County in the north central part of the state, seven miles from the Canadian border. The exterior boundaries of the reservation are 12 miles by 6 miles, or 46,080 acres. In addition, there are parcels of allotted trust land that lie outside the boundaries of the reservation. Land was also allotted to the Tribe in western North Dakota, which is known as the Trenton Indian Service Area. The 2010 Census reports that 8,320 Natives live on the Turtle Mountain Reservation and its trust land. According to the tribal enrollment office, there are 12,610 enrolled members who live within the reservation and surrounding Rolette County.

There also exists in Richland and Sargent Counties in southeastern North Dakota a small amount of tribal trust land belonging to the Sisseton Wahpeton Oyate Tribe. The vast majority of the tribal trust land belonging to the tribe is in South Dakota. These lands were part of the Lake Traverse Reservation, which was formed by treaty in 1867.

## **II. An Anti-Violence Strategy for Tribal Communities**

At the Project Safe Neighborhoods Conference in New Orleans in July of 2010, Attorney General Eric Holder articulated a renewed commitment to reducing violent crime across the United States. In a speech to the conference, the Attorney General said:

*[W]e've reached an important point for updating our goals, for modernizing and refocusing our strategies, and for compiling the latest and best thinking we have on the most effective and economically viable ways to reduce violent crime and build safe, vibrant, and productive communities. . . . Finding the solutions we need begins by updating the Justice Department's violent crime strategy - a critical initiative that's well underway. The development of this strategy is being led by our outstanding*

*network of U.S. Attorneys. It is focused on three key areas: enforcement, prevention, and reentry.*<sup>1</sup>

As the Attorney General has clearly stated, the Department of Justice must take a balanced approach to combating, and ultimately reducing, violent crime. Violence prevention is a three-legged stool requiring strong enforcement of federal criminal laws, a commitment to programs aimed at the prevention of violent crimes, and viable reentry programs. Without reinforcement of any leg of that stool, a strategy will fail to achieve potential for necessary community impact. Heeding the Attorney General's call for a three-pronged approach (enforcement, prevention, and reentry) to combating violent crime, the USAOND has made and will make significant changes to the strategy we employ to combat violent crime on the reservations in North Dakota.

#### **A. Vigorous Enforcement of Federal Criminal Statutes**

The central mission of the prosecutors in the USAOND who work in Indian Country is the enforcement of federal criminal statutes on the reservations. We must continually rededicate ourselves to that core function and make it the cornerstone of our anti-violence strategy. We must vigorously enforce the laws which punish sexual assaults, domestic assaults, gun offenses, gang activity, drug-related crimes, and other acts of violence. We must remove the most violent individuals from our tribal communities. Nothing we do is more important than this. Under any analysis, the identification, apprehension, conviction, and removal from tribal communities of the most violent criminals is indispensable to our success. This will remain the cornerstone of our anti-violence strategy as we forge ahead with parallel education and prevention strategies for the longer-term crime reduction which our tribal communities so desperately need.

Successful violent crime prosecution is the product of effective collaboration between Assistant United States Attorneys (AUSAs) and law enforcement investigators. Federal prosecutors should be involved early in long-term violent crime investigations and work closely with investigators from the Federal Bureau of Investigation (FBI) and the Bureau of Indian Affairs (BIA), and the tribes themselves in the identification of targets and the use of various investigative tools. We must use the statutory tools at our disposal to protect victims and witnesses in violent crime investigations so as to create an atmosphere that results in greater reporting of crime by victims, and greater cooperation by victims,

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<sup>1</sup>The Attorney General's Advisory Committee accepted the Attorney General's challenge of leadership in the area of violent crime reduction and prevention. The committee developed a November 16, 2010, Memorandum that sets forth the Department of Justice's Anti-Violence Strategy. This strategy, with its focus on enforcement, prevention, and reentry, has direct application to tribal communities in North Dakota. As a result, this Anti-Violence Strategy integrates materials from this Memorandum.

witnesses, and, when appropriate, co-defendants with the USAOND. Finally, we must be prepared to commit a sufficient amount of our in-house prosecutorial resources to these time-intensive violent crime investigations.

## **B. Support for Viable Crime Prevention Programs**

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 these communities beset by violence. We must therefore focus on front-end solutions to violent crime, rather than simply enforcing the law reactively on the back end of the problem.

Therefore, in addition to targeting the most violent criminals with apprehension and incarceration, we must support organizations working to empower these communities to reduce or eliminate the forces, influences, catalysts, and causes which feed violent behavior. This strategy contemplates the pursuit of both front- and back-end solutions, often pursued simultaneously in tribal communities which suffer from persistent levels of violent crime.

Prevention efforts should not, however, exist separately from enforcement activity. Tribal communities will also need an enhanced focus on prevention if they are to achieve any measure of lasting success. The important work of treatment, education, and prevention should not be attempted independently of enforcement efforts. Rather, these different approaches should be interlocking components of an integrated, comprehensive strategy coordinated by the USAOND.

In short, our prevention strategy must build on the best thinking and research about what works. For example, we know that complex social issues like these are most effectively addressed through collaborative, multi-strategy responses and partnerships that include law enforcement, social services, schools, community- and faith-based organizations, public health, the business community, and others. We also recognize that crime doesn't impact all communities in the same way. It is up to the USAOND and our tribal partners to craft strategies that recognize these differences and use local data to pinpoint the nature of violent crime problems, as well as local resources that can be deployed to solve those problems.

## **C. Reentry Programs**

Prisoner reentry into tribal communities also has a significant impact on violence prevention. Ninety-five percent of people in prison today will be released. If we are



serious about public safety, we must increase focus on reentry efforts so those individuals on supervised release following a period of incarceration can become productive citizens once they are back in the community. United States Attorneys have been encouraged to evaluate their office's support for programs which help offenders reintegrate into society upon release from incarceration. See January 19, 2011, Memorandum from Deputy Attorney General James Cole to all United States Attorneys. As such, the USAOND will support, where consistent with Department of Justice policies, reentry courts and other initiatives in the District Court North Dakota. We look forward to working closely with North Dakota's United States District Court Judges and the United States Probation Office in exploring additional reentry programs aimed at tribal communities.

#### **D. Focus on Victims**

In each of the three elements of this anti-violence strategy, we need to be attentive and responsive to those who feel violence most directly: victims of violent crime. We should find ways to prevent further victimization of these individuals and remember that how we think about and treat victims has a tremendous impact on their efforts to rebuild their lives. We must also realize that the impact of victimization goes beyond the direct victim. Violence ripples through communities and can make an entire community feel unsafe. Insensitive handling of victims of violent crime will erode public confidence in the criminal justice system and discourage cooperation with law enforcement. Conversely, sensitive treatment of victims increases community connections to law enforcement and helps restore a sense of order in areas plagued by violence.

We will be vigorous in our unfailing adherence to the provisions of the Justice for All Act. This statute applies to all federal crimes to ensure victims' rights are respected and enforced. Beyond compliance with this statute, we will find ways to keep safe those victims and witnesses who are cooperating with law enforcement. We will fully support our Financial Litigation Unit as it collects restitution awards and ensures that victims receive just compensation for the crimes perpetrated against them.

### **III. Resource Allocation of the North Dakota United States Attorney's Office**

The USAOND has made several changes to the way we do business in order to more effectively implement our three-pronged approach to reducing violent crime in tribal communities in North Dakota.

#### **A. Committing Additional Prosecutive Resources to Indian Country**

As of December 2010 an additional AUSA has been assigned Indian country prosecution duties. Prior to December 2010 three AUSAs handled Indian country prosecutions

arising on the four high-referral reservations: Fort Berthold, Standing Rock, Spirit Lake, and Turtle Mountain. The additional AUSA is now assigned to handle violent crime prosecutions arising out of the Standing Rock Reservation. This new configuration has one AUSA assigned to each of the four reservations that produce a significant caseload.

This change represents a 33-percent increase in the number of AUSAs at the USAOND with responsibility for prosecution of violent crimes in these four high-referral tribal communities.

Finally, while the USAOND historically received a very small number of annual referrals for prosecution of violent crimes from the Sisseton Wahpeton Oyate Tribe, in March 2011 the USAOND formally designated an additional (fifth) AUSA with responsibility for cases arising out of this reservation and gave that AUSA some limited responsibility for tribal and law enforcement consultation as well.

## **B. Implementing a Community Prosecution Model**

Starting in February 2011 each AUSA assigned responsibility for prosecution of violent crimes in Indian country is being required to physically visit their assigned reservation several times per year, in addition to any reservation travel related to case preparation. While on the reservation the AUSAs will place an emphasis on communicating with our tribal law enforcement and tribal court partners. The AUSAs will engage in a number of other activities while on the reservations, including convening multi-disciplinary team (MDT) meetings; attending child protection team meetings; reviewing and coordinating case investigations with FBI, 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. Our Tribal Liaison and the United States Attorney will make additional visits to each reservation in North Dakota throughout the year to engage in government-to-government consultations with the Tribal Chairs and Tribal Councils.

It is our expectation that this frequent travel to the reservations and frequent consultation with the tribal officials will improve communications between the tribes and our office so that, together, we may jointly implement effective crime prevention programs in tribal communities.

## **C. Launching of Annual Tribal Listening Conference**

On March 16, 2011, the USAOND held its first Tribal Listening Conference at United Tribes Technical College in Bismarck, North Dakota. The editorial page of the Bismarck Tribune praised the Conference as “eclips[ing] other out reach efforts” in the recent past and noted that the “discussion, dialog and partnership possibilities were exciting and

encouraging” and that the spirit of co-operation and listening evidenced at the Conference “could lead to something big.” “State’s Largest Minority has Huge Impact,” Bismarck Tribune, March 20, 2011.

The Conference was attended by nearly 150 tribal members, federal, state, and county law enforcement officials, tribal social services, corrections, probation and law enforcement personnel, and members of the tribal, state, and federal judiciary. The Conference enabled the U.S. Attorney and AUSAs to listen to tribal concerns in a series of breakout sessions, some of which focused on tribe-specific concerns and others which addressed several substantive areas, including: (1) Domestic Violence in Tribal Communities; (2) Law Enforcement in Indian Country; (3) Offenses Against Children: Protecting the Future; (4) Strengthening Tribal Courts, and (5) Reentry: How do Returning Offenders Impact the Community?

Concerns raised in these breakout sessions have been considered in the creation of this Operation Plan. For example, a common theme at the Listening Conference was a lack of communication between tribes and the USAOND. Responsive efforts to increase communication can be found in the implementation of the Community Prosecution strategy discussed above and the changes made to implement the coordination requirements found in the Tribal Law and Order Act of 2010 set forth below. Additionally, several reservation-specific concerns raised at the Tribal Listening Conference are addressed in the tribe-by-tribe addendums that are part of this plan.

The USAOND will make this Tribal Listening Conference an annual event.

#### **D. Founding of “Indian Country Team” within the USAOND**

In April 2011 the USAOND established an “Indian Country Team” within the office. The IC Team consists of the U.S. Attorney, the First Assistant U.S. Attorney, the Criminal Chief, the Senior Litigation Counsel, the Law Enforcement Coordinator, the Victim Witness Coordinators, and the AUSAs and Paralegals who handle violent crime prosecutions in tribal communities. The IC Team will meet formally on a monthly basis to staff IC cases and discuss policies and procedures that impact our Indian country prosecutions. By involving the senior leadership of the office, as well as the Law Enforcement Coordinator and the Victim Witness Coordinators, on a monthly basis in IC issues, these IC Team meetings are a way to further leverage USAOND resources for combating violent crime in tribal communities.

**E. Creating the Position of “Special Counsel to the United States Attorney for Indian Country”**

In June 2011 the position of “Special Counsel to the United States Attorney for Indian Country” was established within the USAOND. The creation of this position, which will be filled by an AUSA with substantial experience in prosecuting violent crime in tribal communities, will serve to complement the efforts of our Tribal Liaison by providing additional resources to mentor and assist the AUSAs prosecuting violent crime cases in tribal communities and providing additional experienced leadership to the IC Team.

**F. Implementing the Prosecutorial Coordination Provisions of the Tribal Law and Order Act of 2010**

The USAOND has made changes in the way it communicates to tribal law enforcement and tribal prosecutors the decision whether to prosecute or not prosecute a matter. Section 212 of the Tribal Law and Order Act of 2010 requires that, when a U.S. Attorney makes a non-prosecution decision on an alleged violation of federal criminal law in Indian country, the U.S. Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use of evidence relevant to the case in a Tribal court with authority over the crime alleged. TLOA, § 212.

In response, it is the policy of the USAOND that when a non-prosecution decision is made the responsible AUSA will draft a detailed memorandum explaining the reasons for the non-prosecution decision and will send this memorandum to: (1) the appropriate tribal prosecutor, and (2) the law enforcement agencies involved in the investigations. Additionally, the USAOND will attach to this memorandum a standard form whereby a tribal prosecutor can request access to the evidence obtained in the course of the investigation. This access will be, of course, subject to the restrictions of federal law.

**G. Starting School Outreach Programs**

In order to foster an ongoing relationship of trust with tribal members, the USAOND, will, on selected reservations, begin programs of outreach to tribal youth through the public school system. These outreach programs will initially take different forms in an effort to identify best practices.

One such effort on the Standing Rock Reservation will include frequent presentations to the students regarding areas of concern such as internet and texting safety, bullying, drug and alcohol abuse, and gangs. The intent of these presentations is to educate the students about the dangers involved in the identified conduct and to increase the interaction between the members involved in criminal justice system and those who will become the future adults on the reservation

Another outreach effort on the Spirit Lake Reservation includes the “adoption” of an eighth-grade class at the local school by an AUSA. As part of this outreach program, it is planned that the AUSA will serve as a role model to the class. Students will be provided information on career objectives with job-shadowing opportunities. Classroom presentations will be made on a variety of subjects, including federal jurisdiction on reservations, sexting, computer safety, and alcohol/drug education. To accomplish this, federal agents will be brought in to help educate the students.

#### **H. Staffing of Sex-Trafficking Working Group**

The USAOND, in conjunction with the FBI and multiple tribal organizations, is participating in a Sex-Trafficking Working Group to address the abuse of women and children through prostitution on the Fort Berthold Reservation. The working group is developing a protocol to address reporting and investigation of sex-trafficking violations and a community response to the shelter, treatment, and other needs of the victims of such abuse.

#### **IV. Conclusion**

This Anti-Violence Strategy will not solve all of the public safety challenges in Tribal Communities. Rather, the specific actions outlined in this strategy represent our best efforts to address the tide of violent crime in tribal communities in North Dakota. The prioritization of both front- and back-end solutions reflects an acknowledgment that we can’t arrest our way out of the violent crime problem. The USAOND, working closely with tribal communities and law enforcement partners, must identify specific community needs and coordinate the diverse responses to those needs. This strategy should serve to ultimately make tribal communities in North Dakota safer for the people we serve.

Disclaimer: This Operation Plan and Anti-Violence Strategy is not intended to, does not, and may not be relied upon to create any rights, substantive or procedural, enforceable at law by any party in any matter civil or criminal. Nor are any limitations hereby placed on otherwise lawful litigative prerogatives of the Department of Justice.

## **Addendum: Turtle Mountain Band of Chippewa Indians**

### **I. The Tribe**

The Turtle Mountain Indian Reservation is home to the Turtle Mountain Band of Chippewa Indians. The reservation was created by Executive Orders of December 21, 1882, and March 29, 1884. It is located within Rolette County in the north central part of the state near the Canadian border. The exterior boundaries of the reservation are 12 miles by 6 miles. In addition there are parcels of allotted trust land that lie outside the boundaries of the reservation. Land was also allotted to the Turtle Mountain Band in western North Dakota and is known as the Trenton Indian Service Area. The 2010 Census states there are 8,320 Native Americans living on the Turtle Mountain Reservation and its trust land.

### **II. Law Enforcement and Custodial Resources**

The BIA is currently responsible for law enforcement services. The police force at Turtle Mountain is currently understaffed. There are seven tribal officers, three of whom are operating under a 638 contract, and there are three vacancies. There are nine BIA officers with seven vacancies, and two criminal investigators, with one vacancy. There are six correctional officers, currently with five vacancies. Statistics for 2010 indicate that law enforcement on Turtle Mountain received 9,500 calls to service.

Turtle Mountain has difficulty retaining law enforcement officers due to the stressful work environment and excessive overtime due to under staffing. Often, due to the lack of available funding, the vacancies are unable to be filled even if acceptable prospective applicants could be hired.

Because of staffing issues and response times to crimes occurring on Turtle Mountain, the USAOND has discussed the possibility of Memorandums of Understanding (MOU) and cross-deputization agreements with neighboring counties, specifically, Rolette County. The Tribe would consider such agreements, however, they have historically encountered resistance from Rolette County in implementing such agreements. USAOND efforts in this regard will continue. Turtle Mountain has a current MOU with the North Dakota Department of Transportation for the "Click It or Ticket" program and a DUI task force. In addition the Tribe has funded a position to operate its Sex Offender Registry Program and carry out the Tribe's obligations for compliance with the federal Sex Offender Registration and Notification Act. The Tribe is working toward implementing the program and plans on requesting an extension to the July 2011 deadline for compliance.

Turtle Mountain has a tribal jail located in Belcourt, North Dakota. The jail is currently undergoing some minor reconstruction. The jail can house a total of 30 adults. The jail

has contracts with the Heart of America Correctional and Treatment Center located in Rugby to house additional adult inmates and the Lake Region Law Enforcement Center located in Devils Lake to house juvenile offenders.

The Turtle Mountain Tribal Court is located in Belcourt. In 2010 the Tribal Court processed 2,371 cases. These cases included a number of assault and alcohol-related offenses. The Tribal Court currently has one Chief Judge and one Associate Judge, neither of whom are licensed attorneys in any jurisdiction. There are currently two Tribal Prosecutors, who are also not licenced attorneys in any other jurisdiction, who handle adult and juvenile prosecutions. There is a total of three public defenders, two who represent adult defendants and one who represents juvenile offenders, none of whom are licenced attorneys in any other jurisdiction.

### **III. Tribal Concerns and Proposed USAOND Solutions**

At the Tribal Listening Conference held on March 16, 2011, tribal members identified areas of concern regarding criminal activity on the reservation. The criminal activity identified by the Tribe as most problematic is assault-related offenses, specifically domestic violence cases. They also identified issues related to cross-jurisdictional violations of protection orders and delayed or no prosecution of non-Indian offenders. In addition tribal members identified the lack of law enforcement resources due to vacancies and officers consistently detailed to other reservations. Finally, tribal members expressed concerns that insufficient communication exists between Tribal officials and the USAOND and that additional training for law enforcement is necessary.

The USAOND has established a Multi-Disciplinary Team (MDT) for the Turtle Mountain Indian Reservation that will meet on a regular basis to staff and discuss cases related to sexual and physical abuse of children in order to resolve and prosecute these cases in the most efficient and timely manner. In addition the MDT will provide an avenue of communication between tribal members and the USAOND, thereby enhancing the awareness of pending matters and facilitating communication channels between tribal and federal law enforcement.

The USAOND has and will conduct training for law enforcement officers and tribal court personnel. The USAOND will provide training to law enforcement officers as needed or requested and will assist with community education by conducting training in the schools. Training topics include education on search and seizure, sexual assault and domestic violence investigations, evidence collection, and education for law enforcement personnel relating to their roles and responsibilities, and training on jurisdiction-related issues.

The USAOND prioritizes the investigation and prosecution of violent crime cases on the Turtle Mountain Indian Reservation. The USAOND has been in contact with several

agencies in order to attempt to help find solutions to the understaffed law enforcement presence on the reservation and to promote increased investigations and collaboration aimed at reducing crime on the Turtle Mountain Indian Reservation. In addition the USAOND will staff cases on a regular basis with law enforcement and tribal personnel to ensure that crimes are timely investigated and resolved in the proper court.



## **Addendum: Standing Rock Sioux Tribe**

### **I. The Tribe**

The Standing Rock Sioux Reservation lies within both North Dakota and South Dakota. It was established by the Fort Laramie Treaty of 1868. The North Dakota portion of the reservation includes all of Sioux County, located in the south central part of North Dakota. The reservation covers approximately 722,000 acres in North Dakota and 2.3 million acres in total. Members of the Standing Rock Sioux Tribe are from the Dakota and Lakota nations. The 2010 Census reports that approximately 3,500 of the over 4,000 residents of the Standing Rock Reservation are Native American.

Approximately 51 percent of the land within the reservation boundaries is owned by non-Indians, with the remaining 49 percent owned, in trust, by the Secretary of the Interior. The rate of unemployment currently runs around 50 percent for the tribal members residing on Standing Rock.

### **II. Standing Rock Law Enforcement and Government**

Standing Rock incorporates a council form of government comprised of 17 members, to include: a Chairperson, Vice-chair, Secretary, six At-large Representatives, and eight District Representatives. The council maintains a tribal headquarters located in Fort Yates, North Dakota. Most tribal government business is handled by committees made up of council members.

The tribal criminal justice system includes an active tribal court consisting of one licensed-attorney Chief Judge, one licensed-attorney Associate Judge, one licensed-attorney Chief Prosecutor, and one licensed-attorney tribal public defender. The court also allows representation by lay advocates for defendants. The tribal court has adopted the Federal Rules of Criminal Procedure and operates under a fairly comprehensive set of criminal ordinances adopted by the tribal council. The tribal court is currently limited to the imposition of terms of incarceration of one year or less, per count. The court averages in excess of 5,000 criminal matters a year with the majority primarily consisting of contempt of court. The Standing Rock Tribal Court is very high functioning and enjoys a good reputation with the attorneys of the state bar of North Dakota. Given the current strength of their tribal court system, the Standing Rock Tribe is in a position to enhance its sovereignty and directly address public safety concerns on a tribal level by increasing the sentencing authority of its tribal court up to three years as allowed by the Tribal Law and Order Act of 2010 and the tribe is studying this possibility.

The BIA currently operates BIA Standing Rock Corrections, which is a 48-bed facility connected to the BIA police department and the Standing Rock Tribal Court facility. In

addition there is a new juvenile facility, with 16 beds, that was built by the BIA for tribal usage, however, there is some dispute as to whether the tribe or BIA is responsible for the cost of the FTEs needed to operate the facility. The facility has been completed, but currently stands empty.

The reservation law-enforcement system consists of a BIA police/patrol force of approximately 15 full-time officers: the chief of police, two operation/supervisory officers, and 12 beat officers. The current total of 15 officers is up from recent years, but is still seven officers short of the 22 officers allotted for Standing Rock. There is also one full-time BIA criminal investigator, which is two investigators short of the three investigators allotted for Standing Rock. The consensus is that the reservation is currently understaffed. In general 911 calls from several of the smaller, more rural, tribal communities may result in less than desirable response times for officers to get on scene.

In addition to the BIA criminal investigator, the FBI has one full-time agent assigned to investigate or assist in the investigation of major crimes within the boundaries of Standing Rock. The FBI also maintains a Safe Trails Drug Task Force consisting of two FBI agents and one BIA criminal investigator. The FBI also has one agent assigned to investigate public corruption cases on Standing Rock and Fort Berthold.

The USAOND indicts approximately 20 to 30 violations of major crimes per year out of the Standing Rock Reservation. The referrals for prosecution received by the USAOND primarily consist of allegations resulting from physical or sexually assaultive conduct. Alcohol is a contributing factor in the majority of the cases referred for prosecution by the USAOND.

### **III. Tribal Concerns and Proposed USAOND Solutions**

A number of concerns were identified during a recent tribal listening conference hosted by the USAOND in March of 2011 regarding all of the reservations located within the District. A primary concern raised by Standing Rock attendees was the general lack of notification about tribal members being released back into the community from incarceration and in particular the lack of notification of sex offenders released into the community. Along with the lack of notification there also appears to be a lack of resources available within the community to help prevent the relapse of members recently released into the community.

Most of the available housing on Standing Rock is owned and operated by the Tribal Housing Authority (“SRTHA”). The SRTHA does not allow sex offenders to reside in tribal housing. The lack of knowledge of sex offenders released into the community often results in the sex offenders residing in tribal housing without proper notification. This is due in large part to the lack of non-tribal housing or suitable housing for sex offenders on

the reservation. Additionally, the sex offenders are often related to numerous individuals residing in tribal housing and oftentimes report living in suitable housing, but end up residing with their relatives within tribal housing on a rotating basis, making it difficult to identify or track violations of the Sex Offender Registration and Notification Act.

Another issue raised during the listening conference was the general feeling by the younger generations that justice is not being done and that many criminal problems just keep being repeated. The manner in which this issue was presented indicated that the problem was a concern with reentry in such a small community. Even if the matter is reported, investigated, prosecuted, and the perpetrator of the crime is incarcerated, that person will one day be released back into the community, which greatly raises the victim's safety concerns. The victim oftentimes also has to deal with safety concerns in encountering the perpetrator's family on a daily basis. Overall these safety concerns are often great enough to prevent victims from reporting crimes in a timely manner.

Another issue is the growing number of gang affiliations identified at Standing Rock. Some of the affiliations can be directly attributed to the reentry of tribal members after having become affiliated with gang members in penal facilities. Others have traveled to various metropolitan areas where they became gang affiliated and then returned to the reservation. And, finally, some have simply decided to emulate members of certain nationally recognized gangs without any direct affiliation.

Currently the assigned AUSA has formed a combined team consisting of federal law enforcement authorities, BIA law enforcement authorities, Standing Rock Child Protective Services, federal Parole and Probation, and members of the local Children's Advocacy Center. The primary focus of this team approach is to broaden communications between and among the different agencies and to field and discuss issues with current cases. Because Standing Rock straddles two different states these MDT meetings have been instrumental in identifying perpetrators who have eluded proper investigation focus by simply crossing the state line. The assigned AUSA currently plans to regularly continue the MDT meetings. In addition the AUSA also plans to coordinate and schedule combined MDT meetings with the USAOSD at least once or twice per calendar year.

In order to foster an ongoing relationship of trust with tribal members located on the Standing Rock Indian Reservation the currently assigned AUSA has negotiated with elementary, grade, and high school officials to do numerous presentations to the students regarding areas of concern such as internet and texting safety, bullying, drugs and alcohol, and gangs. The intent of these presentations is to educate the students about the dangers involved in the identified conduct and to increase the interaction between the members involved in criminal justice on Standing Rock and those who will become the future adults on the reservation. That increased interaction should result in an increased

amount of trust between members of the USAOND, law enforcement, and the residents of Standing Rock.

Finally, the assigned AUSA has made himself available for any training request to BIA law enforcement working within the boundaries of the Reservation. Training topics have included sessions on jurisdiction, domestic violence investigations, sexual assault investigations, crime-scene processing, and search and seizure.

## **Addendum: Three Affiliated Tribes**

### **I. The Tribe**

The Fort Berthold Reservation is located in the west central part of North Dakota. It is home to the Three Affiliated Tribes, which includes the Mandan, Hidatsa, and Arikara (Sahnish) Tribes. The Fort Berthold Reservation is the largest reservation in the state in terms of size. It covers 981,215 acres and lies within portions of six counties: Dunn, McKenzie, McLean, Mercer, Mountrail, and Ward. The reservation is bisected by a large body of water known as Lake Sakakawea, and is divided into six districts or segments: (1) New Town/Little Shell; (2) Parshall/Lucky Mound; (3) White Shield; (4) Twin Buttes; (5) Mandaree; and (6) Four Bears. Tribal headquarters are located in New Town. The reservation sits atop the heart of the Bakken oil formation.

### **II. Law Enforcement and Custodial Resources**

Primary law enforcement and detention services are operated by the Three Affiliated Tribes through a contract executed between the Tribe and the Bureau of Indian Affairs pursuant to the Self Determination and Education Assistance Act of 1975, Public Law 93-638. The Tribe assumed law enforcement services from the Bureau of Indian Affairs on December 7, 2007. The Tribe currently provides administrative, patrol, investigatory, and telecommunications services to the reservation. Staffing of the patrol division has fluctuated since December 2007, but has historically been understaffed for 24-hour police protection on the reservation. Currently there are approximately ten officers employed in the patrol and investigations divisions. The Tribe is working to achieve a staffing of four to six officers per district/segment, or 24 to 36 officers. Recruitment and retention of officers has been hindered by a severe housing shortage on the reservation, a lack of qualified applicants, and a high volume of turnover. The building used to house tribal law enforcement services is inadequate for their current needs. The Tribe rents the building from the local municipality, but is seeking additional federal resources to build a new law enforcement center.

The Bureau of Indian Affairs re-assumed the primary on-site federal criminal investigation functions for the reservation from the Tribe in approximately July 2009. Currently there is one special agent assigned to the reservation. The special agent is stationed within the tribal law enforcement building. The FBI has assigned one special agent full time and one special agent half time to major federal criminal violations on the reservation. These agents work hand-in-hand with the BIA and tribal investigators.

In 2011 the Tribe hired a former law enforcement officer to operate its Sex Offender Registry Program and carry out the Tribe's obligations pursuant to the federal Sex Offender Registration and Notification Act. The Tribe is currently working toward

implementation of a tribal sex offender registry with plans of commencing registration by July 2011.

The Tribe operates the Gerald Tex Fox Justice Center, a detention facility built in the early 2000s. This facility houses adult and juvenile inmates, males and females. The facilities are adequate for the Tribe's detention needs. In addition the Fort Berthold Tribal Court uses the facility for court appearances to avoid unnecessary transport of prisoners.

The Fort Berthold Tribal Court is located in New Town. The Tribal Court currently has one licensed-attorney Chief Judge and one Magistrate Judge who is not a licensed attorney in any other jurisdiction. There is one licensed-attorney Tribal Prosecutor, but currently no public defender. The most recent available statistics (from 2009) indicate the Tribal Court processed 2,739 adult criminal cases, with 138 of those cases resolved. Jury trials have been suspended due to financial and other limitations. In fiscal year 2009 there were a total of 2,314 juvenile cases pending. Of these, 160 cases were disposed of by informal adjustment and supervised probation agreements. Another 160 juvenile matters were disposed of through formal proceedings.

### **III. Tribal Concerns and Proposed USAOND Solutions**

At the Tribal Listening Conference held in March 2011 tribal members identified several areas of concern regarding criminal activity on the reservation. Most predominantly members were concerned about highway safety due to the extraordinary increase in traffic volume on the reservation roadways from oil activity in the region. Members identified several instances of reckless operation of motor vehicles on the roadways leading to motor vehicle collisions or near misses. Many of these instances involved non-Indian truck drivers. These matters are unable to be appropriately addressed through the Tribal Court and tie up law enforcement resources that could be utilized elsewhere. In addition tribal members identified increased drug-trafficking activity and violent behavior associated with the influx of money and increased population generated by the oil industry within and surrounding the reservation. Finally, tribal members expressed concern that convicted sex offenders were moving into and/or working within the boundaries of the reservation without properly registering.

The USAOND has been in contact with a number of agencies to help establish a greater law enforcement presence on the reservation that can work to reduce criminal and non-criminal traffic offenses, to enhance highway safety, and to investigate drug-trafficking offenses. The USAOND is facilitating communications between the Tribe, the Bureau of Indian Affairs, the State of North Dakota (through the North Dakota Highway Patrol and the Bureau of Criminal Investigation), and the surrounding county sheriffs' departments in an attempt to help establish cross-deputization agreements, mutual support agreements,

and/or other agreements between agencies that can assist in achieving these goals. In addition the USAOND has also supported the enhancement of the FBI's Safe Trails Drug Task Force so that additional resources can be devoted to the investigation of drug-trafficking offenses within the boundaries of the reservation.

The USAOND has established a Multi-Disciplinary Team (MDT) for the Fort Berthold Reservation that will meet on a monthly basis to staff and resolve cases of physical and sexual abuse involving children in the most efficient and expeditious manner. In addition the MDT will provide an avenue to keep tribal officials advised of the status of pending federal criminal matters from the Fort Berthold Reservation and to enhance communication between federal and tribal entities.

The USAOND, in conjunction with the FBI and multiple Tribal organizations, is participating in a Sex-Trafficking Working Group to address the abuse of women and children through prostitution on the reservation. The working group is developing a protocol to address the reporting and investigation of sex-trafficking violations and a community response to the shelter, treatment, and other needs of the victims of such abuse.

The USAOND has conducted and will conduct training for law enforcement officials working within the boundaries of the reservation. Training topics have included sessions on jurisdiction, domestic violence investigations, sexual assault investigations, crime-scene processing, and search and seizure.

## **Addendum: Spirit Lake Tribe**

### **I. The Tribe**

The Spirit Lake Nation Reservation covers approximately 405 square miles primarily in Benson County and Eddy County. Nelson County is on the east boundary and Ramsey County forms the northern boundary of the reservation. The total acreage is 245,135 with the following breakdown: tribal (trust) land is 26,283 acres; allotted individual (trust) land is 34,026 acres; U.S. government and state land is 375 acres; and private (fee) land is 184,451 acres.

The Spirit Lake Nation (originally Devils Lake Sioux) Reservation was established by treaty between the United States government and the Sisseton-Wahpeton Sioux Bands in 1867. The tribal name of Mni Wakan Oyate translates to ‘the people of the spirit water.’ According to 2011 tribal enrollment figures there are 6,748 enrolled members of the tribe. Spirit Lake Reservation has a total population of 4,238, of whom 3,587 are Native American. The unemployment rate is approximately 47.3 percent.

The topography of the reservation is generally consistent with the Northern Plains region, with both flat terrain and rolling hills, and some wooded areas. The major surface water feature of the reservation is Devils Lake, which comprises 90,000 acres of area stretched over 200 miles. There are also numerous small lakes on the reservation, including Twin Lakes, Spring Lake, Free Peoples Lake, Elbow Lake, and Skin and Bone Lake.

Land is the main resource of the reservation and sales of production constitute the economic framework of the reservation. Recreation and tourism is enhanced by the reservation’s location and access to Devils Lake. The tribe has acquired additional reservation lands over the years through its land acquisition program. At present all tribal lands are leased, or are in lease negotiations. Most tribal lands are used for agricultural purposes, with a small portion for residential purposes.

### **II. Law Enforcement and Government**

Spirit Lake Nation utilizes a democratic form of government with five elected council positions. The tribal chair is elected at large from the tribal membership and one representative is elected from each of the four districts that make up the reservation. These districts are Fort Totten, Crow Hill, Mission, and Woodlake. From these four representatives, a tribal vice-chairman is elected by the tribal council members. The tribal council employs a tribal secretary/treasurer who does not vote but certifies all tribal resolutions, the governing documents of tribal actions. The headquarters of the tribal council is the Blue Building, located in Fort Totten.



Spirit Lake Nation has a tribal court which enforces the tribal code. The court employs two tribal judges, one prosecutor (licensed attorney), civil clerk, criminal clerk, juvenile clerk, juvenile intake officer, receptionist, probation officer, and two data-entry clerks. The court does not employ a public defender at present, but a position has been advertised and it is expected to be filled shortly. The court has adopted some felony-level offenses, (e.g., rape, manslaughter, homicide) but is limited to misdemeanor-level sentencing for these offenses in accordance with the Indian Civil Rights Act. The Spirit Lake Nation is the only tribe in North Dakota which is subject to state jurisdiction pursuant to a resolution passed by the tribal governing body and accepted by Congress. (See Act of May 31, 1946, 60 Stat. 229.) Also, the Spirit Lake tribe is the only 'dry' reservation in North Dakota, meaning it is against the tribal law to possess or consume alcohol within the reservation boundaries.

The Spirit Lake law enforcement is housed in a BIA detention facility built in the 1960s. The jail capacity is four female and 22 male prisoners. The BIA employs nine officers (one chief of police, two lieutenants, one criminal investigator, one sergeant, and four patrol officers), six correction staff, and four dispatchers. The tribe employs two patrol officers and one domestic violence investigator. There are currently two openings for BIA officers and one tribal officer. Last year law enforcement responded to more than 9,000 incident calls, of which the greatest majority, 1,306, were liquor violations. The BIA has two contracts for the housing of prisoners. Prisoners who are sentenced up to 30 days' are housed at the Lake Region Law Enforcement Center in Devils Lake, ND. Prisoners who are sentenced to terms longer than 30 days are housed at Heart of America Correctional and Treatment Center in Rugby, ND.

There is an active drug task force which is made up of one FBI agent, one BIA investigator, one BIA/DEA agent, two state BCI agents, and two Devils Lake police officers. Federal agencies which routinely enforce federal law violations on the Spirit Lake reservation are the FBI, with one agent specifically assigned and two other agents who assist him when necessary, and ATF who investigates violations of the federal firearm laws.

The USAOND indicts approximately 20 to 30 violations of major crimes per year out of the Spirit Lake Reservation. The greatest majority of these prosecutions are for assaults, physical and sexual. Violations of supervision following release from incarceration are the second greatest number of hearings held for defendants from the Spirit Lake Reservation. Alcohol abuse is a contributing factor in the majority of the cases referred for prosecution and supervision violations.

### **III. Tribal Concerns and Proposed USAOND Solutions**

Issues raised by the Spirit Lake Nation at the March 2011 Tribal Listening Conference included: (1) concern that the USAOND was not communicating which cases are prosecuted and which are declined; (2) the victim-impact statement form is difficult for the victim to complete without assistance; (3) police officers are not completing police reports for the tribal court; (4) the probation office is understaffed; (5) there is a need for more treatment centers to address alcohol, domestic violence, and sex offenders; (6) there is a need for more collaboration and communication with tribal court on utilizing federal resources for juvenile offenders; and (7) the tribe wants notice of release of offenders so they can begin banishment for extremely violent and harmful offenders.

The assigned AUSA has worked with the Multi-Disciplinary Team for prosecution of physical and sexual offenses involving child victims. It is a goal to meet with this team on a regular basis. In January 2011 a team from Montana was brought into the reservation to provide information on a Child Adolescent Referral and Evaluation Center (CARE) model for assessment of child abuse. It is a goal to make such a center available to the victims of child abuse on the Spirit Lake Nation Reservation. The assigned AUSA also conducts training sessions with law enforcement. Regular, informal meetings are held with the tribal council when the assigned AUSA is on the reservation to keep lines of communication open. Communication with the tribal prosecutor is on-going and referrals for tribal prosecution are discussed.

The AUSA assigned to the Spirit Lake Nation has met with the middle school students in the eighth grade at Minnewaukan and Four Winds schools to ‘adopt’ the class. In fulfilling this responsibility of adoption, it is planned that the AUSA will serve as a role model to classes. Students will be provided information on career objectives with job-shadowing opportunities, and classroom presentations will be made on a variety of subjects, including federal jurisdiction on reservations, sexting, computer safety, and alcohol/drug education. To accomplish this, federal agents will be brought in to educate the students. This serves two purposes of the plan, to educate and to expose the students to career opportunities.

The Spirit Lake Nation has recently had a change in tribal council with a new Chairman and two District Representatives elected to a four-year term of office. It is a goal of the assigned AUSA to develop an open line of communication with the new Chairman and Council.

## **Addendum: Sisseton Wahpeton Oyate**

### **I. The Tribe**

A small portion of tribal trust land belonging to the Sisseton Wahpeton Oyate is located in southeastern North Dakota. The tribe has trust land in five counties in South Dakota and in a portion of two counties in North Dakota. The tribal headquarters is located in Agency Village, South Dakota, and the majority of the tribe's population resides there.

Sisseton Wahpeton Oyate has a total of 12,300 tribal members, including approximately 4,730 who currently reside on or around the tribal trust lands in northeast South Dakota and southeast North Dakota. Only about 25 of these approximately 4,700 tribal members reside within the District of North Dakota. These 25 members reside in apartments which were recently constructed on tribal trust land in North Dakota. There is also a casino located on the tribal trust land in North Dakota, namely, the Dakota Magic Casino, which is located on 200 acres of land near Hankinson, North Dakota.

The Sisseton Wahpeton Oyate community is comprised of seven districts, all located in South Dakota. Each district elects a council member to serve on the Tribal Council. The Tribal Council Chairman serves as the administrative head of the Tribe. The Tribal Chairman and Tribal Council serve a term of two years.

### **II. Law Enforcement and Crime**

The tribal police handle law enforcement in the Sisseton Wahpeton Oyate community. There are currently ten officers, but, according to the tribal police department, there should be 16 officers. There is currently one opening for a police officer, which the tribe is attempting to fill, but it will not fill the other five remaining positions due to budget cuts to the department.

The Tribe has difficulty retaining police officers because of the salary disparities between tribal police officers and BIA officers. Because the BIA officers have higher salaries, many of the tribal police officers apply for and obtain law enforcement jobs with the BIA. There are task forces that operate in the area, but because the bulk of the law enforcement responsibilities are in South Dakota, agents from the Fargo, North Dakota, FBI field office are not involved with these task forces.

The Tribe indicates that there are few criminal matters that occur in North Dakota because there has been no housing in North Dakota until just recently. Furthermore, the casino -- located in North Dakota -- handles its own security and the Tribe indicates that the security officers are well trained.

Occasionally there are criminal matters that occur at the casino which require federal prosecution. Such criminal matters are typically theft related. Since 2006 there have been only two prosecutions by the USAOND of cases arising off of the tribal trust land in North Dakota. The USAOND also prosecutes crimes of general applicability, for example, drug offenses, occurring at the casino hotel.

Sisseton Wahpeton Oyate employ one tribal judge and one tribal prosecutor. The courts handle tribal prosecutions occurring in both North and South Dakota.

### **III. Tribal Concerns and Proposed USAOND Solutions**

Sisseton Wahpeton Oyate indicates there is a high crime rate in their community that is alcohol and drug related, but the bulk of this crime occurs on tribal trust land in South Dakota. Because only a very small amount of tribal trust land is in North Dakota, the USAOND does not have a large caseload related to the Sisseton Wahpeton Oyate. Nevertheless, the USAOND has recently assigned an AUSA to handle Indian country prosecutions arising on the tribal trust land of the Sisseton Wahpeton Oyate. This AUSA will meet with law enforcement annually regarding ways in which the USAOND can better meet the tribe's needs in North Dakota.

The tribe has requested that the USAOND better communicate with it regarding matters that are referred for federal prosecution and subsequently declined for federal prosecution. Therefore, the USAOND will communicate directly with the tribal prosecutor as to matters that are declined for federal prosecution so that the tribe may initiate charges, if it deems they are warranted. Nearly all of the tribe's concerns are related to matters happening on tribal trust land in South Dakota. Nonetheless, the USAOND will be supportive of the tribe, as well as the South Dakota USAO's efforts. For instance, the USAOND may assist the South Dakota USAO in conducting community outreach and the USAOND will invite tribal law enforcement and tribal court staff to any Indian Country training sessions that are hosted by the USAOND in North Dakota. And, finally, the USAOND will routinely communicate with the tribe regarding law enforcement resources and prosecutions occurring in North Dakota.