



U.S. Department of Justice

Indian Country Investigations and Prosecutions

2020



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Cover Photographs

Starting from the Top of Front Cover and moving clockwise (Much of Oklahoma, including Tulsa, is now considered Indian Country):

- Skyline River, Tulsa, Oklahoma
- Tulsa Skyline at Night, Tulsa, Oklahoma
- Tulsa Skyline, Tulsa, Oklahoma
- Veterans Park, Tulsa, Oklahoma

“ In partnership with Tribal, federal, state and local agencies, the Justice Department is committed to finding lasting solutions to the public safety challenges Tribal communities encounter and to protecting them from violence, abuse, and exploitation.”

—*Merrick B. Garland,*
United States Attorney General

Executive Summary

The Department of Justice (Department) presents to Congress this report on Indian country investigations and prosecutions during calendar year (CY) 2020, as required by Section 212 of the Tribal Law and Order Act (TLOA). Since TLOA's inception, the Department has worked to improve public safety for American Indians and Alaska Natives by working collaboratively with other federal agencies and Tribal leaders to develop reforms aimed at improving public safety in Indian country and at strengthening the capacity of Tribal law enforcement and justice systems to protect their communities and pursue justice.

Section 212 of TLOA requires that the Attorney General submit an annual report to Congress detailing investigative efforts by the Federal Bureau of Investigation (FBI) and dispositions of matters received by United States Attorneys' offices (USAOs) with Indian country responsibility. The data presented in this report covers only those offenses reported to the FBI and federal prosecutors. The majority of criminal offenses committed, investigated, and prosecuted in Tribal communities are adjudicated in Tribal justice systems. In much of Indian country, Tribal law enforcement and Tribal justice systems hold criminals accountable, protect victims, provide youth crime prevention and intervention programs, and confront precursors to crime, such as alcohol and substance abuse. These efforts are often in partnership with federal agencies or accomplished with support from federal programs and federal funding.

To satisfy TLOA's Section 212 reporting requirements for CY 2020, the FBI and the Executive Office for United States Attorneys (EOUSA) have compiled four types of case-specific declination information:

- The type of crime(s) alleged;
- The status of the accused as Indian or non-Indian;
- The status of the victim(s) as Indian or non-Indian; and
- The reason for deciding against referring the investigation for prosecution (FBI) or the reason for deciding to decline, refer, or terminate the prosecution (USAOs).

As discussed in the report, limitations in the data make it difficult to draw broad conclusions. However, the data provides a useful snapshot of the Department's current law enforcement and prosecution work in Indian country. The Department hopes that this report will provide helpful context as Congress and the Department continue to work together with Tribes to improve public safety in Indian country.

Despite data limitations, the below facts for CY 2020 are clear:

- The FBI had a nine percent decrease in investigations closed (1,931 total in CY 2020 compared to 2,124 in CY 2019).

- Approximately 65 percent (1,251 out of 1,931) of Indian country criminal investigations opened by the FBI were closed due to adjudication or USAO declination.
- The FBI closed 35 percent (680 out of 1,931) of Indian country investigations administratively (without referral for prosecution).
 - The most common reason for these administrative case closures (approximately 59 percent) was due to lack of evidence of a federal crime, or insufficient evidence to substantiate criminal activity.
 - Twenty-four percent of investigations administratively closed were deaths ruled as non-homicides (i.e., accidents, suicides, or natural causes).
 - Seventy-eight percent of the death investigations (131 out of 169) were administratively closed because the death was caused by means other than homicide.
 - Seventeen percent of investigations administratively closed were due to the reason that the investigations did not meet statutory definitions of a crime or USAO prosecution guidelines.
 - Another 17 percent of investigations administratively closed were closed because of unsupported allegations - no evidence of criminal activity was uncovered during the investigation.
- In CY 2020, the USAOs resolved 2,878 Indian country matters.
- The majority of Indian country criminal matters resolved by the USAOs in CY 2020 were prosecuted (charges filed in District Court).
- The USAOs declination rate dropped to 22 percent in CY 2020 (639 out of 2,878 Indian country matters resolved were declined). In CY 2019, 32 percent (780 of 2,426) of matters resolved were declined; in CY 2018, 33 percent (820 of 2,523) of matters resolved were declined; in CY 2017, the declination rate was 32 percent (773 of 2,390) of matters resolved; and in CY 2016, 28 percent (755 of 2,666) of matters resolved were declined.¹
- The most common reason for declinations (82.8 percent) by USAOs in CY 2020 was insufficient evidence. In CY 2019, this reason served as the basis for 79.2 percent of declinations; in CY 2018, it was 78.3 percent; in CY 2017, 81.8 percent; and in CY 2016, 81.3 percent.

¹ In CY 2019, USAOs began tracking cases that were referred to another jurisdiction (i.e., Tribe or state) for prosecution (prior to CY 2019, these cases were tagged as declinations). In this report, to facilitate year-to-year comparisons, USAO data from CY 2018 and prior has been adjusted to reflect that cases referred to another jurisdiction for prosecution are no longer considered declinations. This adjustment is not reflected in previous reports; thus the data in this report is not comparable to data in previous reports.

- The USAOs referred 19 percent (534 out of 2,878) of Indian country matters resolved to another jurisdiction (i.e., Tribe or state) for prosecution.

The 2009 Senate report accompanying TLOA acknowledged that “[d]eclination statistics alone do not show the Department’s commitment to combating reservation crime. In fact, they likely reflect difficulties caused by the justice system in place” including the “lack of police on the ground in Indian country” and “shortfalls for training, forensics equipment, [and] personnel.” The Department agrees that declination rates are not an effective way to measure justice or success. The Department believes that prioritization of initiatives in Indian country, including the effort to build capacity in Tribal courts, will lead to enhanced public safety and a better quality of life for Native Americans. Improved public safety, enhanced reentry opportunities for inmates returning to their tribal communities, and robust tribal courts are far better measures of success. The Department has made great strides in these areas and remains committed to seeing that justice is done throughout Indian country.

I. Tribal Law and Order Act of 2010 Background

TLOA is intended to establish accountability measures for federal agencies responsible for investigating and prosecuting crime occurring in Indian country. To that end, TLOA Section 212 requires the Attorney General to submit annual reports to Congress detailing investigative efforts and prosecutorial disposition reports.

The FBI is required to report “by Field Division, information regarding decisions not to refer to an appropriate prosecuting authority cases in which investigations had been opened into an alleged crime in Indian country.” The USAOs are to submit to EOUSA’s Native American Issues Coordinator information by federal judicial district regarding “all declinations of alleged violations of federal criminal law that occurred in Indian country that were referred for prosecution by law enforcement agencies.” The FBI’s and the USAOs’ reporting obligations require:

1. The type of crime(s) alleged;
2. The status of the accused as Indian or non-Indian;
3. The status of the victim(s) as Indian or non-Indian; and
4. The reason for deciding against referring the investigation for prosecution (FBI) or the reason for deciding to decline or terminate the prosecution (USAOs).

The information the FBI is required to report under TLOA is substantively different from the information reported by the USAOs. The FBI is responsible for *investigating* allegations of federal crimes in Indian country, while the USAOs are responsible for reviewing such crimes referred by all federal and Tribal investigative agencies for *prosecution*. The FBI’s data contains criminal matters not referred to USAOs, and EOUSA’s data accounts for cases referred by various investigative agencies, including the FBI. Therefore, direct comparisons between the data from FBI and EOUSA should not be made.

II. Federal Criminal Responsibilities in Indian Country

The two main federal statutes governing federal criminal jurisdiction in Indian country are the General Crimes Act, 18 U.S.C. § 1152, and the Major Crimes Act, 18 U.S.C. § 1153. Section 1153 gives the federal government jurisdiction to prosecute certain enumerated offenses, such as murder, manslaughter, sexual abuse, aggravated assault, and child sexual abuse, when committed by Indians in Indian country. Section 1152 gives the federal government exclusive jurisdiction to prosecute most crimes committed by non-Indians against Indian victims in Indian country.² Section 1152 also grants the federal government jurisdiction to prosecute crimes by Indians against non-Indian victims, although that jurisdiction is shared with Tribes, and provides that the federal government may not prosecute an Indian who has been punished by the Tribe for that offense.

The federal government also has jurisdiction to prosecute federal crimes of general applicability, such as drug and financial crimes, when they occur in Indian country unless a specific treaty or statutory provision provides otherwise. On a limited number of reservations, the federal government has ceded federal criminal responsibilities under Sections 1152 and 1153 to the states pursuant to Public Law (P.L.) 280 or other federal laws.³

The United States Constitution, treaties, federal statutes, executive orders, and court decisions establish and define the unique legal and political relationship that exists between the United States and Indian Tribes. The FBI and USAOs are two of many law enforcement agencies with responsibility for investigating and prosecuting crimes that occur in Indian country.⁴ In addition to the FBI, the Department of the Interior's (DOI) Bureau of Indian Affairs, Office of Justice Services (BIA-OJS) plays a significant role in enforcing federal law, including investigating violations of 18 U.S.C. §§ 1152 and 1153. In 1993, a Memorandum of Understanding (MOU) between DOI and the Department delineated the responsibilities between the FBI and BIA-OJS.⁵ Additionally, this MOU provided that each United States Attorney "whose criminal jurisdiction includes Indian country shall develop local written guidelines outlining the responsibilities of BIA-OJS, the FBI, and the Tribal criminal investigators, if applicable." In short, numerous Federal and Tribal law enforcement agencies are necessary for the efficient administration of criminal justice in Indian country. Determining which law enforcement agency, federal or Tribal, has primary responsibility for investigation of a particular crime may depend on the nature of the crime committed and any applicable local guidelines.

² The exception to this exclusive jurisdiction is set forth in 25 U.S.C. § 1304, which recognizes the inherent power of a participating Tribe to exercise special domestic violence criminal jurisdiction.

³ Federal jurisdiction was ceded under P.L. 83-280, 18 U.S.C. § 1162, which granted jurisdiction over Indian country crimes to six states and divested the federal government of jurisdiction to prosecute under the Major and General Crimes Acts in those areas, while giving other states the option to assume that jurisdiction. Congress has also passed a variety of Tribe-specific statutes providing for a similar framework of state jurisdiction over crimes in those locations. The federal government retains jurisdiction to prosecute generally applicable offenses in P.L. 83-280 areas.

⁴ FBI jurisdiction for the investigation of federal violations in Indian country is statutorily derived from 28 U.S.C. § 533, pursuant to which the FBI was given investigative authority by the Attorney General. Among others, federal agencies with criminal jurisdiction in Indian country include the Bureau of Indian Affairs, United States Marshals Service, National Park Service, Drug Enforcement Administration, Bureau of Alcohol, Tobacco, Firearms and Explosives, Bureau of Land Management, United States Postal Service, and the United States Secret Service.

⁵ http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/crm00676.htm.

Indian country case statistics are drawn from three different jurisdictions: federal, state, or Tribal. The FBI's Uniform Crime Report (UCR) contains offense data from all three sources, but submission of the data is generally voluntary (except for federal agencies). Therefore, the UCR only contains crime data from non-federal agencies who choose to submit the data to law enforcement. Likewise, the UCR does not have the ability to collect specific information on declinations and administrative closings, which is required by TLOA Section 212. Additionally, matters and cases from P.L. 280 jurisdictions do not generally appear in federal Indian country crime statistics because, in most instances, the federal government has designated the state authority to prosecute these cases. The UCR also does not cover cases referred to BIA-OJS or other law enforcement agencies. As such, the FBI and EOUSA numbers presented in this report only include cases subject to federal jurisdiction and reported to the FBI, or cases referred to USAOs by federal, state, Tribal, or local agencies. Accordingly, this report represents only a portion of the total Indian country violent crime, namely those offenses referred to the FBI for investigation or to a USAO for prosecution. A more comprehensive view of crime rates in Indian country would require all reported criminal offenses reported to and/or filed within federal, state, and Tribal jurisdictions to be collectively gathered and analyzed. Currently, however, no system or database exists for maintaining this data across sovereigns.

III. Federal Bureau of Investigation TLOA Report

The FBI has investigative responsibility for federal crimes committed on approximately 200 Indian Reservations. This responsibility is shared concurrently with BIA-OJS and other federal agencies with a law enforcement mission in Indian country. This number generally excludes Tribes in P.L. 280 jurisdictions, with the exception of crimes of general applicability (e.g., drug offenses and Indian gaming). Currently, there are approximately 150 Special Agents and 40 Victim Specialists working in support of Indian country investigative matters. Table 1 lists FBI Field Divisions with federally recognized Tribes within their area of responsibility.⁶

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⁶ Not all FBI Field Divisions had CY 2020 Indian country investigations to report under TLOA. Additionally, some Divisions overlap multiple states.

Table 1: FBI Divisions

FBI Division Name	FBI Abbreviation	State(s)
Albany	AL	NY
Albuquerque	AQ	NM
Anchorage	AN	AK
Boston	BS	MA, ME, RI
Buffalo	BF	NY
Charlotte	CE	NC
Columbia	CO	SC
Dallas	DL	TX
Denver	DN	WY, CO
Detroit	DE	MI
El Paso	EP	TX
Indianapolis	IP	IN
Jackson	JN	MS
Kansas City	KC	KS, MO
Las Vegas	LV	NV
Los Angeles	LA	CA
Memphis	ME	TN
Miami	MM	FL
Milwaukee	MW	WI
Minneapolis	MP	MN, ND, SD
Mobile	MO	AL
New Haven	NH	CT
New Orleans	NO	LA
New York	NY	NY
Oklahoma City	OC	OK
Omaha	OM	NE, IA
Portland	PD	OR
Phoenix	PX	AZ
Richmond	RH	VA
San Antonio	SA	TX
Sacramento	SC	CA
Seattle	SE	WA
San Diego	SD	CA
San Francisco	SF	CA
Salt Lake City	SU	ID, MT, UT
Tampa	TP	FL

All FBI investigations follow the Attorney General’s Guidelines for Domestic FBI Operations (AGG-Dom) and the FBI Domestic Investigations and Operations Guide (DIOG). These documents provide standard policy to ensure all FBI investigative activities are conducted in compliance with relevant laws, policies, and regulations designed to protect civil liberties and privacy. Under DIOG, FBI investigations involving allegations of federal law violation in Indian

country include both “assessments” and “predicated investigations.”⁷ Therefore, for the purposes of TLOA reporting, whenever the FBI engages in any substantive investigative activity (e.g., interviewing a complainant or potential victim of a vague or non-specific allegation), it is considered an “investigation.”

FBI Indian Country Assessments

Two of the most prevalent examples of Indian country assessments, resulting in an FBI investigation, but not a predicated investigation or referral for prosecution are:

Example A: A non-specific allegation of child sexual abuse is referred to the FBI. The FBI presents the child for a forensic interview and medical examination. The child discloses no allegation of child sexual abuse, and the medical exam and other preliminary investigation reveal no corroborative evidence of sexual abuse. The matter is documented to an FBI Indian country child sexual abuse assessment file and the investigation is administratively closed. (Note that documenting the incident permits the FBI to reopen the matter as a predicated investigation at a later date should the victim later wish to make a report.)

Example B: The FBI is called to a hospital that reports treating an assault victim from a nearby reservation. During the course of this assessment, the assault victim, who may have serious bodily injury, chooses not to make a report and does not identify the assailant or describe the details of the assault. The FBI documents the matter to an FBI Indian country assault assessment file and may administratively close the investigation. (Note that documenting the incident permits the FBI to reopen the matter as a predicated investigation at a later date should the victim later wish to make a report.)

Including assessments in TLOA investigation data permits the FBI to provide further information regarding the scope of alleged crimes in Indian country. Classifying assessments involving any substantive investigative activity as “investigations” reflects the FBI’s commitment to provide accurate and complete reporting under TLOA. Additionally, ongoing FBI investigations do not preclude Tribal law enforcement from continuing an investigation and making a referral to Tribal court.

FBI Predicated (Full) Investigations

Predicated “full” investigations in Indian country are submitted to the federal, state, or Tribal prosecuting authority, or are administratively closed, after all reasonable investigation into the alleged crime has been completed by the FBI.

A. FBI TLOA Investigation Data Collection

The FBI tables in this report include data based on the following parameters:

Measurement of FBI TLOA Requirements

⁷ FBI Domestic Investigations and Operations Guide, 2018 version.

1. **Types of crimes alleged** are classified by the most serious offense and are determined at case initiation. To protect information about sensitive investigations, the following criminal programs are combined: Financial Crime, Public Corruption, and Civil Rights. Domestic violence investigations are included under the “Assault” category. The “Property Crime” category includes burglary, robbery, larceny, theft, arson, and motor vehicle theft. The “Death Investigation” category includes homicides, vehicular homicides, and other investigations of suspicious or unattended deaths. The “Other” category includes offenses such as weapon possession by felons, counterfeit or trafficking of cultural items, and any other investigations not applicable to the other nine categories.

2. **The status of the victim and subject** as American Indian or non-American Indian is generally based on self-reported information provided to the FBI or Tribal authorities’ records.⁸ Under the following circumstances, the victim or subject status is not applicable: the victim or subject is a business; the case was opened with an unknown/unidentified subject and/or victim; victim or subject information was not documented in case file (e.g., drug investigations, public corruption matters); or, duplicate cases or administrative errors.

3. **Reasons for non-referral to prosecuting authorities** are determined on a case-by-case basis after a review of individual circumstances. Table 2 below provides a list of non-referral categories.

Table 2: Reasons for FBI Non-Referral for Prosecution in Indian Country

Non-Referral Category
Death was not a homicide
Does not meet USAO guidelines or statutory definitions
No remaining leads ⁹
Victim is unable to identify subject
Unsupported allegation
Victim or witness is unable or unwilling to assist
Interagency cooperation ¹⁰
Cannot be addressed with current resources ¹¹
Duplicate or case reopened
Subject died

⁸ The FBI does not have direct access to Tribal enrollment information.

⁹ The FBI exhausted all logical investigation, and was unable to present enough facts for a prosecutor’s assessment.

¹⁰ The FBI may open an investigation solely for the purpose of assisting another agency (such as opening an investigation solely to give a subject a polygraph examination). Because the FBI is not the primary investigating agency, these investigations are administratively closed.

¹¹ Primarily due to the prioritization of violent crimes against persons.

Data Limitations

The FBI's case management system does not automatically collect TLOA-mandated data. Therefore, all closed case files are manually reviewed on a quarterly basis. Due to this manual process, the data may include a small number of errors. Notably, FBI computer systems were designed for case management purposes and not to serve as statistical databases.

The following limitations should be considered when reviewing FBI reported data:

- The FBI is only able to track allegations reported to its agency. Allegations investigated by BIA-OJS or Tribal law enforcement are not completely represented in the FBI's data.
- Calculating crime rates using this data is inappropriate because of the wide variation between divisions regarding local guidelines, agreements, and the presence of other agencies (e.g., BIA-OJS).¹²
- Non-referral is not necessarily a permanent status because it is possible for a closed case to be re-opened and referred for prosecution if new information is received.

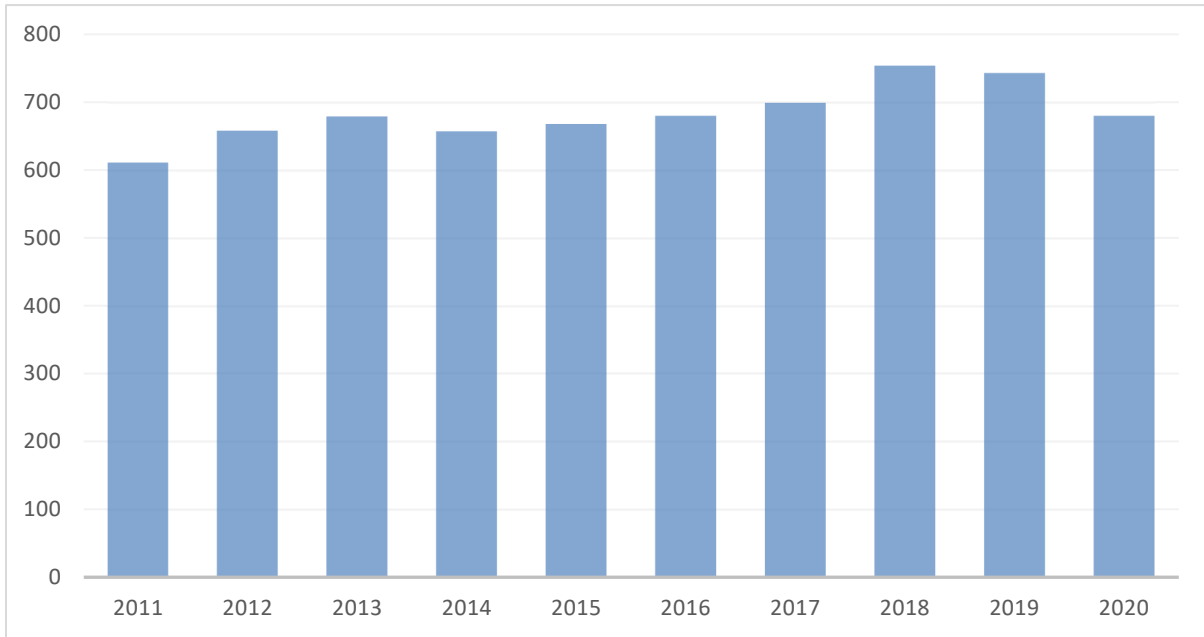
B. FBI TLOA Reporting Information

The FBI closed 1,931 Indian country investigations during CY 2020. For reporting purposes, each closed investigation was manually reviewed. Of these matters, 680 (approximately 35 percent) were closed administratively and/or not referred for prosecution. Approximately 65 percent were referred for prosecution. These statistics are consistent with statistics from previous years.

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¹² The FBI has a MOU with BIA-OJS and local agreements based on available resources with other agencies. For example, in certain areas, the FBI may work only child sexual abuse cases for victims under age twelve, while BIA-OJS is responsible for all other sexual abuse and sexual assault investigations, including adult rape.

FBI Administratively Closed Investigations, CY 2011-2020



In most FBI divisions, the total number of cases referred for prosecution exceeded the number of cases administratively closed. Four Indian country divisions – Phoenix (PX), Minneapolis (MP), Salt Lake City (SU), and Albuquerque (AQ) – accounted for approximately 75 percent of all FBI Indian country investigation closures during CY 2020. Table 3 below lists the total number of closed investigations for CY 2020 by FBI field division.

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**Table 3: Number of Indian Country Criminal Investigations Closed,
by FBI Division, CY 2020***

Division	Division Name	# Administratively Closed/Not Referred for Prosecution	Total Cases Closed From Divisions with Administratively Closed Cases
AQ	Albuquerque	41	177
BF	Buffalo	1	2
DN	Denver	29	81
EP	El Paso	1	2
IP	Indianapolis	2	2
LV	Las Vegas	14	30
MM	Miami	11	33
MO	Mobile	2	6
MP	Minneapolis	202	497
MW	Milwaukee	5	26
NO	New Orleans	1	2
NY	New York	2	2
OC	Oklahoma City	7	105
OM	Omaha	6	76
PD	Portland	17	35
PX	Phoenix	200	375
SA	San Antonio	2	2
SC	Sacramento	2	4
SE	Seattle	45	115
SU	Salt Lake City	89	306
TP	Tampa	1	2
Total		680	1880

*This table represents only divisions which reported administratively closed cases in CY 2020. As a result, this table is not indicative of all FBI case closures for CY 2020.

In 2020, the majority of administrative closures involved the following categories: child sexual assaults (30 percent); physical assaults (17 percent); and death investigations (24 percent). These statistics remain consistent with previous years. While the relatively high administrative closure rate for child sexual assaults and physical assaults is significant, it correlates with the challenges inherent in investigating these types of crimes – challenges which are not unique to the FBI. In 131 (76 percent) of administratively closed death investigations, the investigation revealed the death was caused by natural causes, accident, or suicide, and not a homicide.

Table 4: Types of Indian Country Criminal Investigations Administratively Closed, by FBI Division, CY 2020

Division	Assault	AFO/ KFO[1]	Child Physical Abuse	Child Sexual Abuse	Death Investigation	Drug Crime	Financial Crimes/Public Corruption/Civil Rights	Property Crime	Sexual Assault	Other	Total
AQ	3		1	13	20		1	1		2	41
BF					1						1
DN	8		1	11	1		1		7		29
EP		1									1
IP	1									1	2
LV	4		1	1	5	1			2		14
MM	1				1		1	5		3	11
MO							1	1			2
MP	8	2	7	70	71	21	6	4	11	4	202
MW	3			1	1						5
NO						1					1
NY								2			2
OC			1	1		3	2				7
OM	1			1	2				1	1	6
PD	3	1	2	4	3		2		1	1	17
PX	64	2	7	66	27	8	2	3	9	12	200
SA			1	1							2
SC							1			1	2
SE	6	1		11	9	10			3	5	45
SU	16		4	22	27	4	2	3	8	3	89
TP					1						1
Total	118	7	25	202	169	47	19	17	42	33	680

[1] Assault of a Federal Officer/Killing of a Federal Officer

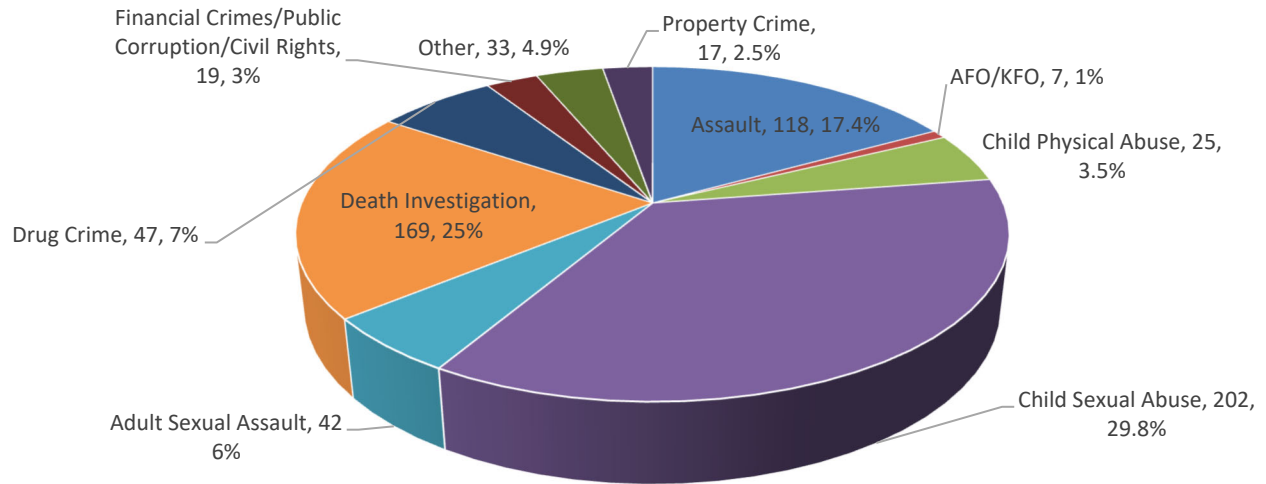


Table 5: Status of Victim and Subject for Administratively Closed Cases, by FBI Division, CY 2020

Division	American Indian Victim	Non-American Indian Victim	American Indian Subject	Non-American Indian Subject	Business Victim/Subject	Unknown Victim/Subject [1]
AQ	33		13	1	3	14
BF						2
DN	29	1	19			1
EP						2
IP	1			2		
LV	12		8			2
MM		3		8	4	6
MO				2	1	1
MP	168	2	81	2		61
MW	3		3			4
NO		1		1		
NY					2	2
OC	4		3		2	3
OM	4		3			2
PD	7	1	8	2		12
PX	174	2	119	2		23
SA	2		2			
SC			1			
SE	32	4	22	3		20
SU	82	1	44	3	1	8
TP						2
Total	551	15	326	26	13	165

For CY 2020, Native Americans comprised the majority of victims and subjects in cases administratively closed by the FBI. Table 5 above provides the status of victims and subjects in FBI Indian country investigations that were administratively closed for CY 2020.¹³

As shown below in Table 6, for CY 2020, 404 investigations (59 percent) were administratively closed because there was no evidence of a federal crime, or insufficient evidence to substantiate criminal activity.¹⁴ Of the 169 death investigations in CY 2020, 131 (approximately 78 percent) were administratively closed because the investigation revealed that the death was not a result of a homicide. In 65 investigations (10 percent), the lead investigative agency was Tribal, state, or local law enforcement. Notably, the FBI may open an investigation solely for the purpose of assisting another agency. Because the FBI is not the primary investigating agency, these investigations are administratively closed.

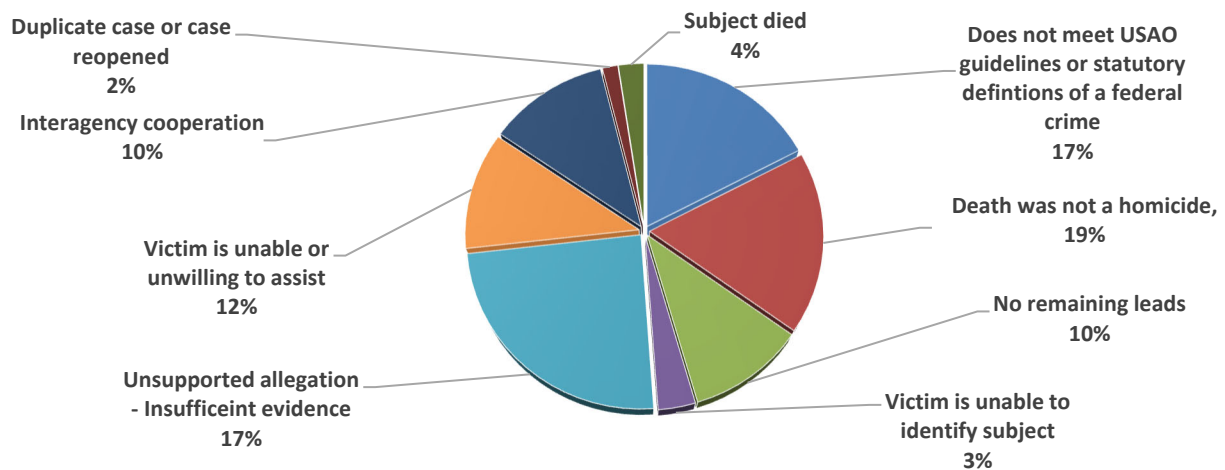
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¹³ These numbers represent a count of all victims and subjects, not a count of investigations. Some investigations may have multiple victims and/or subjects, while others may have not identified subjects (e.g., death investigations determined to be suicides). Investigations in which victim or subject status was not applicable (e.g., drug investigations) will not contribute to totals.

¹⁴ No evidence of a federal crime, or insufficient evidence to substantiate a crime is derived from the follow case closure reasons: (1) Does not meet USAO guidelines or statutory definitions; (2) No remaining leads; (3) Victim is unable to identify subject; (4) Unsupported allegation; (5) Victim or witness is unable or unwilling to assist.

Table 6: Investigative Closure Reasons for Administratively Closed Cases, by FBI Division, CY 2020

Division	Does not meet USAO guidelines or statutory definitions	Death was not a homicide	No remaining leads	Victim is unable to identify subject	Unsupported Allegation	Victim or Witness is unable or unwilling to assist	Interagency Cooperation	Cannot be addressed with current resources	Duplicate case or case reopened	Subject Died	Other	Total
AQ		15	5		8	3	6		1	3		41
BF			1									1
DN	3	1		1	13	5	4	1	1			29
EP											1	1
IP											2	2
LV		4	4			1	2	1		1	1	14
MM	1		5			1	2			1	1	11
MO	1										1	2
MP	26	57	17	1	42	20	22	2	6	6	3	202
MW			1	1							3	5
NO							1					1
NY			1				1					2
OC	1		2				2		2			7
OM		2	1			1					2	6
PD		1	1		1	1	3				10	17
PX	66	22	10	18	37	28	6	1	2	10		200
SA	1		1									2
SC							1				1	2
SE	4	5	13		3	2	8				10	45
SU	13	24	8	1	10	19	7	1		6		89
TP	1											1
Total	117	131	70	22	114	81	65	6	12	27	35	680



A select number of CY 2020 administratively closed violent crime investigations are reflected below in Table 7 denoting closures by four Indian country FBI divisions with the largest Indian country caseload.¹⁵ Specifically, Table 7 depicts the number of administratively closed investigations where the subject and victim status was identified. Information is omitted from this table if the subject or victim does not fit into one of the categories below or, if the subject was not identified, or the subject was a business.

Table 7: Violent Crimes Administratively Closed, Victim and Subject Status, by FBI Division, CY 2020

	Assault			Child Sexual Abuse		
	Indian Victim, Indian Subject	Indian Victim, Non-Indian Subject	Non-Indian Victim, Indian Subject	Indian Victim, Indian Subject	Indian Victim, Non-Indian Subject	Non-Indian Victim, Indian Subject
AQ	2			7		
MP	1			47	1	
PX	42		1	39	1	
SU	16			17	1	
Total	61	0	1	110	3	0

	Death Investigation ¹⁶			Sexual Assault		
	Indian Victim, Indian Subject	Indian Victim, Non-Indian Subject	Non-Indian Victim, Indian Subject	Indian Victim, Indian Subject	Indian Victim, Non-Indian Subject	Non-Indian Victim, Indian Subject
AQ	1					
MP	3			7		
PX	4			3	1	
SU	1			5		
Total	9	0	0	15	1	0

¹⁵ Only investigations from four Divisions (responsible for 75 percent of all cases) for the top four violent crimes are represented. Again, this data does not include alleged crimes within these categories that were investigated solely by BIA-OJS or other federal law enforcement agencies.

¹⁶ Most administratively closed death investigations do not have a victim/subject dynamic due to the determination that the victim died as a result of natural causes, an accident, or suicide.

IV. Executive Office for United States Attorneys TLOA Report

Public safety in Indian country is a major focus of the Department, and the Department recognizes its trust responsibility to the federally recognized Tribes across the United States and strives to work with Tribes to uphold and enhance public safety in Tribal communities. Specifically, the Department strives to uphold and enhance public safety in tribal communities, and continually works to improve efforts in this area. Indian country prosecutions, particularly violent crime prosecutions, are a specific district priority for the 51 Federal judicial districts with federally recognized Tribes.

Every USAO with Indian country in its district is required to engage and consult annually, in coordination with its law enforcement partners, with the federally recognized Tribes in that district. All USAOs with Indian country responsibilities have implemented district operational plans. Within eight months of assuming office, every newly confirmed United States Attorney in these districts must conduct a consultation with the Tribes in their district and develop or update the district's operational plan. The subject matter of each district's plan depends on the jurisdictional status of the federally recognized Tribes in that district, as well as the unique characteristics and challenges confronting those Tribal nations. Operational plans include certain core elements regarding communication between federal and Tribal partners; coordination of investigations among law enforcement entities; USAO community outreach; law enforcement training; victim advocacy; combating violence against women and children; and federal accountability regarding Indian country prosecutions.

All USAOs with Indian country responsibilities must appoint at least one Assistant United States Attorney (AUSA) as a Tribal Liaison to serve as the primary point of contact with Tribes in the district. Tribal Liaisons are integral to the USAOs' efforts in Indian country. The Tribal Liaison program was established in 1995 and codified with the passage of TLOA. Tribal Liaisons play a critical and multi-faceted role. In addition to their duties as prosecutors, Tribal Liaisons often coordinate with and train federal and Tribal law enforcement investigating federal violations in Indian country.

Tribal Liaisons often function in a role similar to that of a local district attorney in a non-Indian country jurisdiction and are accessible to the community in ways that are unique from other AUSAs. The nature and circumstances of the Tribes in their districts often influence the duties of Tribal Liaisons. Tribal Liaisons typically have relationships and frequent contact with Tribal governments, including government leaders, law enforcement, courts, prosecutors, and social service agency staff.

Tribal Liaisons continue to play a critical role in USAO implementation of TLOA and the Violence Against Women Reauthorization Act of 2013 (VAWA 2013)¹⁷ by addressing the need for skilled, committed prosecutors working on the ground in Indian country. In particular, Tribal Liaisons worked with Tribes in organizing multi-disciplinary teams (MDTs) that primarily address child abuse cases, and Sexual Assault Response Teams (SARTs) that coordinate community response to sexual violence. Both MDTs and SARTs consist of federal, state, and

¹⁷ As discussed below, VAWA 2013 recognizes the authority of participating Tribes to exercise special domestic violence criminal jurisdiction (SDVCJ) over non-Indian perpetrators of crimes of domestic violence. 25 U.S.C. § 1304. The statute recognizes tribal criminal jurisdiction over non-Indians only in crimes related to domestic and dating violence, or criminal violations of certain protection orders.

Tribal subject matter experts. Tribal Liaisons also perform outreach in Tribal communities to educate Tribal members on various issues involving substance abuse and violent offenses in an effort to reduce crime and train Tribal law enforcement on legal issues, such as search and seizure. Further, Tribal Liaisons help foster and cultivate relationships among federal, state, and Tribal law enforcement officials by convening meetings to discuss jurisdictional issues and developing inter-agency law enforcement taskforces. Additionally, Tribal Liaisons work to coordinate and collaborate among federal, state, and Tribal law enforcement agencies and prosecutors to discuss the merits of the prosecution of offenses committed within Indian country and to help determine appropriate venues for prosecutions. These relationships enhance information sharing and assist the coordination of all criminal prosecutions.

Although Tribal Liaisons may be the most experienced federal prosecutors of crimes in Indian country, the large volume of cases from Indian country often requires distribution of these prosecutions among other AUSAs in many districts. Table 8 contains a list of the 51 USAOs with Indian country responsibility.

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Table 8: United States Attorneys’ Offices with Indian Country or Federally Recognized Tribes

District Name	District Abbreviation	District Name	District Abbreviation
Middle District of Alabama	ALM	District of Nevada	NV
Southern District of Alabama	ALS	District of New Mexico	NM
District of Alaska	AK	Eastern District of New York	NYE
District of Arizona	AZ	Northern District of New York	NYN
Central District of California	CAC	Western District of New York	NYW
Eastern District of California	CAE	Western District of North Carolina	NCW
Northern District of California	CAN	District of North Dakota	ND
Southern District of California	CAS	Eastern District of Oklahoma	OKE
District of Colorado	CO	Northern District of Oklahoma	OKN
District of Connecticut	CT	Western District of Oklahoma	OKW
Middle District of Florida	FLM	District of Oregon	OR
Southern District of Florida	FLS	District of Rhode Island	RI
District of Idaho	ID	District of South Carolina	SC
Northern District of Indiana	INN	District of South Dakota	SD
Northern District of Iowa	IAN	Western District of Tennessee	TNW
District of Kansas	KS	Eastern District of Texas	TXE
Western District of Louisiana	LAW	Western District of Texas	TXW
District of Maine	ME	District of Utah	UT
District of Massachusetts	MA	Eastern District of Virginia	VAE
Eastern District of Michigan	MIE	Western District of Virginia	VAW
Western District of Michigan	MIW	Eastern District of Washington	WAE
District of Minnesota	MN	Western District of Washington	WAW
Northern District of Mississippi	MSN	Eastern District of Wisconsin	WIE
Southern District of Mississippi	MSS	Western District of Wisconsin	WIW
District of Montana	MT	District of Wyoming	WY
District of Nebraska	NE		

Collaboration and coordination between Federal and Tribal partners is paramount to enhancing public safety in Indian country. One initiative that has been helpful in cultivating these relationships and lanes of communication is the Tribal SAUSA Program. The goal of the program is twofold: (1) to train tribal prosecutors in Federal law, procedure, and investigative techniques; and (2) to increase the likelihood that every viable criminal offense, especially those involving violence against women, is prosecuted in Federal court, Tribal court, or both. Tribal SAUSAs are Tribal prosecutors who are cross-deputized and who may prosecute crimes in both Tribal court and Federal court as appropriate. Tribal SAUSAs can also help to accelerate implementation of TLOA and VAWA 2013 by fostering improved communication and cultural awareness, in addition to supporting the efforts of the Tribal Liaisons by helping to identify the appropriate forum for criminal prosecutions.

Overview of How a Matter or Case is Handled in a USAO

Below are descriptions of how matters and cases are handled in the USAOs.

Prosecutorial Discretion/Guidelines and Ethical Obligations: While federal prosecutors have discretion in charging cases, declining cases, or referring matters to another jurisdiction, prosecutors operate within the confines of the law, Department policy, and the evidence gathered in the cases. The Department's Justice Manual (JM) provides guidance as to proper considerations for charging, declining, or referring a case to another jurisdiction. JM § 9-27.220 provides:

The attorney for the government should commence or recommend federal prosecution if he/she believes that the person's conduct constitutes a federal offense, and that the admissible evidence will probably be sufficient to obtain and sustain a conviction, unless (1) the prosecution would serve no substantial federal interest; (2) the person is subject to effective prosecution in another jurisdiction; or (3) there exists an adequate non-criminal alternative to prosecution.

Referrals to a USAO: A referral occurs when a law enforcement agency seeks involvement or advice of a USAO in a particular matter or presents a case to the USAO for prosecution. The referral process, specifically how and when a law enforcement agency decides to refer a matter to a USAO, depends on many factors, including the nature of the case, the stage of the investigation, and the relationship between the USAO and the law enforcement agency.

Cases Referred to Another Jurisdiction: USAOs may identify certain cases as prosecutable and refer them to another jurisdiction for prosecution. Such referrals typically occur when the Department determines it would be more appropriate for the other jurisdiction to prosecute the offense, and in the context of this report, is most often a recognition of Tribal sovereignty. In CY 2019, EOUSA initiated tracking cases referred to other jurisdictions separately from declinations; previously, EOUSA reported referrals and declinations together.

Declinations: A declination is a decision by a USAO not to pursue criminal prosecution of a referral from a law enforcement agency. A referral does not necessarily equate to a viable prosecution. As discussed later in this report, the vast majority of declinations involve cases in which the USAO lacks sufficient evidence to prosecute. Further, cases that are initially declined may be reopened later and successfully prosecuted if additional evidence is presented. Declinations do not include cases referred to another jurisdiction for prosecution. There are two types of declinations: an "immediate declination" and a "later declination."

- **Immediate Declination:** Occurs when a USAO does not open a file on a referral and does not pursue prosecution of the referral. Examples of immediate declinations include the following:¹⁸

Sexual Assault Referral: During a house party at a residence in Indian country, an 11-year-old Indian male touched a 12-year-old Indian female's buttock through

¹⁸ These examples represent actual matters.

the victim's jeans. The incident was reported to the police. The case was immediately declined because the defendant and victim were juveniles and the Tribal system had adequate resources to oversee the case in the most effective manner.

Assault Referral: Two males left a basketball game that was played in a gymnasium located on a reservation. In the parking lot of a fast-food restaurant across the street, the two males began to argue about the results of the game. The argument escalated into a physical altercation. Police arrived and saw that one of the males had a black eye that was swollen shut as a result of the altercation. The case was opened, however law enforcement later determined that the crime did not occur in Indian country. As a result, the case was declined for lack of jurisdiction.

- **Later Declination:** Occurs when a USAO opens a file on the referral, performs a significant amount of work on the matter, but ultimately does not pursue prosecution of the referral. For example:¹⁹

Sexual Assault Referral: The victim reported she was drinking alcohol at a friend's house, located in Indian country. The victim eventually lost consciousness and was locked inside a bedroom by her friends. She reported waking up and finding her pants and underwear pulled down below her knees. She reported no knowledge of a sexual assault but that she hurt "down there." The victim consented to a sexual assault exam and swabs of the victim were collected. All suspects also provided buccal swabs. The forensic evidence was sent to the FBI lab. No semen was found present on the victim's swabs. No other swabs revealed DNA that matched the victim with the suspects. A complete investigation was conducted, which included interviews of potential witnesses and suspects, and no further information was obtained regarding any criminal violation. The case was declined because the prosecutor lacked sufficient evidence of a Federal crime.

Communications with Tribes Regarding Declinations: The Department recognizes the importance of communication between the Department and Tribes, particularly regarding case coordination with law enforcement. The Department is committed to continuing to improve these communications, which is exhibited by regular training conducted on this subject.

As indicated above, each USAO with Indian country in its district has at least one Tribal Liaison. Declination information is communicated to Tribal law enforcement through the Tribal Liaison or other USAO designated communication procedures. Current federal law provides:

[I]f a United States Attorney declines to prosecute, or acts to terminate prosecution of, an alleged violation of federal criminal law in Indian country, the United States Attorney shall coordinate with the appropriate tribal justice officials regarding the status of the investigation and the use

¹⁹ This example represents an actual matter.

of evidence relevant to the case in a tribal court with authority over the crime alleged.

Section 212(a)(3) of TLOA. Subsection (c) of Section 212 of TLOA provides that “[n]othing in this section requires any Federal agency or official to transfer or disclose any confidential, privileged, or statutorily protected communication, information, or source to an official of any Indian tribe.”²⁰ However, this statute also provides that reports and information learned during a criminal investigation may be shared with the Tribe.²¹ The Department encourages the sharing of appropriate information to enable Tribal prosecutors to pursue criminal matters. Moreover, USAO operational plans frequently address procedures for communicating declinations to Tribal justice officials and for evidence sharing.

The Department takes seriously its responsibility to determine whether to charge or decline a case. Federal prosecutors consider evidence, applicable law, ethical considerations, and circumstances of each case when deciding whether to charge or decline a case. Likewise, as represented in Figure 4 below, federal prosecutors take seriously their obligation to pursue justice in Indian country and work diligently in conjunction with Tribal officials to improve the lives of all who live in Indian country.

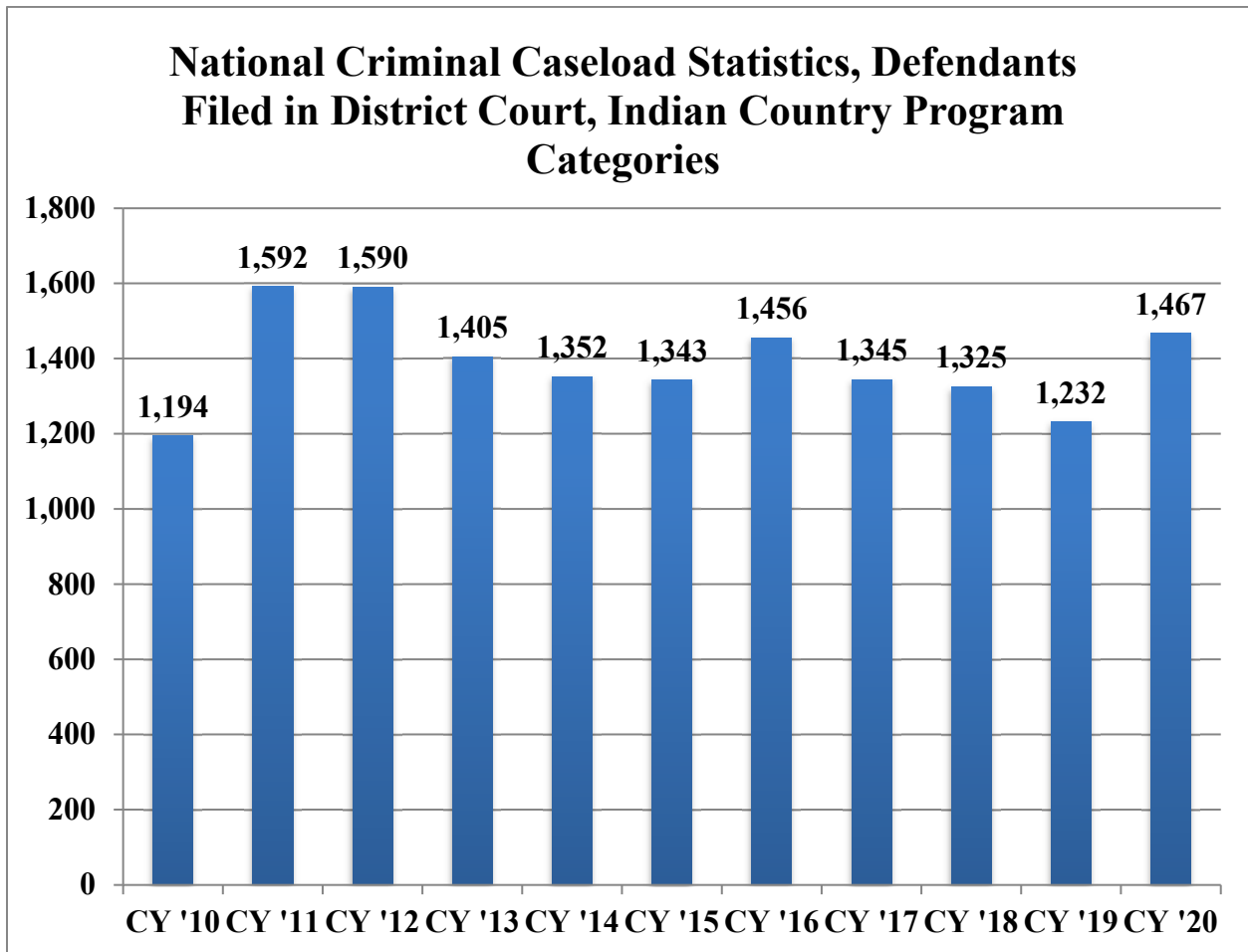
Two program categories are relevant to Indian country cases and this report: “Violent Crime in Indian Country” (program category code 092) is used to identify violent offenses that occur in Indian country, such as assaults, homicides, and sexual abuse cases; and “Indian Offenses” (program category code 065) is used to identify nonviolent offenses occurring in Indian country, such as theft, fraud, and nonviolent drug offenses.

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²⁰ See 25 U.S.C. § 2809(c)(1).

²¹ See 25 U.S.C. § 2809(a)(1).

Figure 4: Defendants Filed in Indian Country, CY 2010-CY 2020



In 2020, implementation of VAWA 2013 remained an important priority for the Department. In CY 2020, federal prosecutors filed cases against 117 defendants (a decrease of 28 percent from CY 2019 (163 defendants)) under VAWA 2013’s enhanced federal assault statutes and obtained 102 convictions (a decrease of 31 percent from CY 2019 (148)). Prosecutors also filed Indian country cases against 20 defendants using the domestic assault by a habitual offender statute, 18 U.S.C. § 117, and separately, obtained 24 convictions under this statute.

Below are examples of successfully prosecuted violent crime cases during the reporting period:

Sexual Abuse: The defendant, an enrolled member of the Eastern Band of Cherokee Indians, sexually abused a female minor entrusted to his care. The

defendant admitted in court that he had abused the victim on multiple occasions. In January 2020, the defendant pleaded guilty to two counts of sexual contact with a child under 12, and in June 2020, was sentenced to 144 months in prison. The defendant was also sentenced to a lifetime of supervised release, and to register as a sex offender upon his release from prison.

Strangulation: The defendant was convicted of assault of a dating partner by strangulation. On the night of the February 5, the defendant and the victim got into a verbal disagreement, and the defendant began physically assaulting the victim by hitting her and placing both of his hands around her throat and squeezing. The victim was unable to breathe while the defendant squeezed her neck. When law enforcement responded to the scene, they found the victim crying. The victim suffered a lacerated left upper lip, swelling on her face, and a raspy voice. The victim told officers she almost lost consciousness, urinated herself, and thought she was going to die while the defendant strangled her. The defendant was sentenced to 32 months of imprisonment and three years of supervised release.

Assault Resulting in Serious Bodily Injury: The defendant, an enrolled member of the Confederated Tribes of the Colville Reservation, was sentenced to 120 months in prison followed by 3 years of supervised release after pleading guilty on July 28, 2020, to Assault Resulting in Serious Bodily Injury in Indian Country. According to court proceedings, during the early morning hours of July 17, 2019, the defendant assaulted his brother while he lay sleeping, striking him on the head with a 12-pound metallic weightlifting bar. The blow caused injuries to the victim's face, including a laceration to his right cheek, a broken nose, and loss of vision out of his right eye.

In addition to federal prosecution, a key provision of VAWA 2013 recognizes Tribes' inherent power to exercise special domestic violence criminal jurisdiction (SDVCJ) over certain defendants, regardless of their Indian or non-Indian status. Section 1304 of Title 25 of the United States Code allows Tribal prosecutors to prosecute domestic violence, dating violence, and violations of orders of protection that occur on Tribal land, regardless of whether the offender is Indian or non-Indian. VAWA 2013 requires implementing Tribes to provide certain rights to defendants in SDVCJ cases. Additionally, TLOA amended the Indian Civil Rights Act to permit Tribes, if TLOA's prerequisites are satisfied, to exercise enhanced sentencing authority. This permits Tribes to impose a sentence of no more than three years of imprisonment and a \$15,000 fine for any single offense, but TLOA specifies that a Tribe may not "impose on a person in a criminal proceeding a total penalty or punishment greater than imprisonment for a term of nine (9) years." Unless a Tribe complies with prerequisites for TLOA's enhanced sentencing, a Tribe may not impose any penalty or punishment greater than imprisonment for a term of one year and a \$5,000 fine for a conviction of a single offense that falls within SDVCJ. The Department, along with the BIA, continues to assist Tribes with implementation.

A. Data Collection within the United States Attorneys' Offices

EOUSA regularly provides case data information to Congress, Department leadership, the Office of Management and Budget, other federal agencies, and the public to demonstrate the ongoing efforts of the USAOs in prosecuting wrongdoers, protecting the public, and defending the interests of the United States. Leadership at every level of the government relies, in part, on these numbers to measure the success of the USAOs in carrying out national, local, and Tribal law enforcement priorities, making effective use of taxpayer money, and achieving the goals set by the Department. EOUSA relies on case management data to track the prodigious work of the USAOs and to make important resource allocation decisions. In addition, USAO supervisors use case management reports as tools to manage their offices and determine staffing needs. Although data can never fully represent the time, effort, and skill required to prosecute and defend cases, it provides one objective means to measure caseloads.

CaseView

The USAOs' portion of this report was prepared using data from CaseView, EOUSA's case management system.²² CaseView is a database used by EOUSA and the 94 USAOs to compile, maintain, and track case information relating to defendants, criminal charges, and court events.

"Matters" are referrals from law enforcement opened in CaseView where no charges have been filed. Most cases begin as "matters" in CaseView, pending further law enforcement investigation, after which either charges are filed or the matter is declined. "Declinations," as discussed above, are matters in which a USAO declines to pursue criminal charges. An immediate declination occurs when a referral to a USAO does not warrant federal prosecution based on the facts and circumstances presented, further investigation is not warranted, a matter is not opened, and the referral is declined immediately. A later declination occurs when a matter is opened in CaseView, and following further investigation or consultation with the AUSA assigned, is closed without filing charges. All immediate and later declinations are entered into CaseView.

As outlined above, "Cases Referred to Another Jurisdiction" for prosecution are matters in which a USAO declines criminal prosecution and refers the matter to another jurisdiction. These referrals arise through coordination and communication between Tribes and USAOs. Many districts hold meetings to review Indian country cases with law enforcement personnel. During these meetings, the decision about which jurisdiction — federal or Tribal — will prosecute a particular case is considered and discussed by the federal and Tribal prosecutors, with input from investigative law enforcement agencies.

TLOA's amendment of 25 U.S.C. § 2809(a)(3), the Indian Law Enforcement Reform Act, contemplated this collaboration and coordination. It also confirms the Department's January 2010 directive that "Tribal governments have the ability to create and institute successful programs when provided with the resources to develop solutions that work best for their communities."²³ As noted above, the passage of TLOA with its provision of enhanced

²² In 2017, EOUSA transitioned from the Legal Information Office Network System (LIONS) to CaseView.

²³ <http://www.justice.gov/dag/dag-memo-indian-country.html>

sentencing authority for qualifying Tribal courts means that more cases will be referred to Tribal courts for prosecution. These referrals are typically done at the request or with the consent of the Tribe’s law enforcement authorities. Referral of a criminal matter for prosecution in Tribal court is, in fact, an acknowledgement of Tribal self-governance. Prior to 2019, when federal prosecutors declined prosecution in favor of Tribal prosecution, the cases were coded in CaseView as declinations—referred to a different jurisdiction. Since 2019, however, CaseView distinguishes between declination and referrals.²⁴

Data for Indian country cases is identified in CaseView through the use of program category codes. Program category codes are critical to identifying and characterizing the types of matters handled by the USAOs.²⁵ As noted above, two program category codes are particularly relevant to Indian country cases.²⁶ EOUSA has advised USAOs that all cases arising in Indian country must include one of the Indian country program category codes, in addition to any other code assigned to the case.

Limitations of the CaseView Data

The statistics presented in this report are subject to a number of limitations related to the use of the CaseView system. When a matter or case is opened in CaseView, the program category code is selected by each USAO based on its assessment of which are applicable. Each USAO determines who enters the data, how and when data is entered, and how cases are designated. When using CaseView, USAO personnel follow guidance issued by EOUSA related to CaseView docketing and coding policies. CaseView does not have a mechanism to check entries for accuracy and internal consistency. Therefore, if a case has been incorrectly designated, CaseView will not reject or force a correction. An incorrect entry will remain in CaseView until it is detected and manually corrected.

CaseView data for a particular fiscal year represents the phase a matter or case was in at the end of that fiscal year, or the notable event that occurred during that fiscal year, such as a filing or a disposition. For example, a USAO may show two declinations in one year, but not any referrals, which implies the referrals appear in the data for a prior year. Further, certain data points, such as declinations, are related to defendants rather than the case as a whole.

B. EOUSA CaseView Information

Tables 9 through 11 below display data related to referrals to another jurisdiction and declinations. These data captured is for January 1 through December 31, 2020 (CY 2020).

²⁴ EOUSA has reviewed the pre-2019 declination data presented in this report and has adjusted the data to differentiate between declinations and cases referred to another jurisdiction for prosecution.

²⁵ CaseView has nearly 100 program categories codes and can capture more than one program area in a single case through the use of multiple program category codes. For example, a case involving drug trafficking, money laundering, and immigration offenses, should be coded using all three program category codes.

²⁶ “Violent Crime in Indian Country” (program category code 092) identifies violent offenses that occur in Indian country, such as assaults, homicides, and sexual abuse cases; and “Indian Offenses” (program category code 065) identifies nonviolent offenses occurring in Indian country, such as fraud and nonviolent drug offenses.

Table 9: Indian Country Suspects Referred to Different Jurisdiction by Type of Crime for CY2020

	Assault	Murder	Sexual Assault (Child and Adult Victims), Sexual Exploitation and Failure to Register as Sex Offender	Drug, Alcohol and Other Offenses	Financial Crimes/ Public Corruption/ Fraud	Jurisdictional, Procedural, Penalty or State Statute	Total
AK	0	0	0	5	0	0	5
AZ	20	2	6	0	0	0	28
CAN	0	0	0	2	0	0	2
CO	1	0	0	0	0	0	1
ID	0	0	1	0	0	0	1
LAW	1	0	0	0	0	0	1
MIE	5	0	0	2	0	0	7
MIW	0	0	0	0	0	1	1
MN	0	0	0	3	0	0	3
MT	9	4	3	6	0	2	24
ND	4	0	5	0	0	0	9
NE	1	0	0	0	0	1	2
NM	0	0	0	0	0	3	3
NYN	0	0	0	2	0	0	2
OKE	42	0	6	35	8	80	171
OKN	52	3	18	68	33	59	233
SD	6	0	0	23	0	0	29
WAW	8	0	1	1	0	0	10
WIE	0	0	0	1	0	1	2
TOTAL	149	9	40	148	41	147	534

Table 10: Indian Status of Suspects and Victims in Matters Referred to a Different Jurisdiction for CY 2020²⁷

	All suspects in the matter were referred to a different jurisdiction				At least 1 suspect in the matter was referred to a different jurisdiction, but other suspects in the same matter are either still under investigation, or have charges filed against them			
	Suspects Referred, Indian	Suspects Referred, Non-Indian	Victims in these Matters, Indian	Victims in these Matters, Non-Indian	Suspects Referred, Indian	Suspects Referred, Non-Indian	Victims in these Matters, Indian	Victims in these Matters, Non-Indian
Financial Crimes/Public Corruption/Fraud	34	7	2	0	0	0	0	0
Drug, Alcohol, and Other Offenses	99	45	0	4	3	1	0	0
Assault	111	37	23	39	1	0	1	0
Murder	7	1	4	0	0	1	0	0
Sexual Assault (Child and Adult Victims), Sexual Exploitation and Failure to Register as Sex Offender	32	8	11	4	0	0	0	0
Jurisdictional, Procedural, Penalty, or State Statute	104	43	7	3	0	0	0	0

²⁷ Prosecutors may only choose one declination reason for suspects in later declinations, as opposed to suspects in immediate declinations, where prosecutors may use up to three declination reasons. For all data in this report pertaining to declination reason, only the first declination reason entered in CaseView is used for analysis.

Table 11: Number of Suspects in Indian Country Declinations for CY 2020

	Legally Barred	Insufficient Evidence	Defendant Unavailable	Alt to Federal Prosecution	Prioritization of Fed Interests	Total
AK	0	6	0	1	0	7
AZ	1	141	7	3	9	161
CAS	0	1	0	0	0	1
CO	0	7	0	2	0	9
DC	0	1	0	0	0	1
ID	0	17	0	0	0	17
LAW	0	3	0	0	0	3
MIE	0	9	0	0	1	10
MIW	0	22	0	0	0	22
MN	0	23	0	2	0	25
MSS	0	1	0	0	0	1
MT	0	45	1	1	1	48
NCW	0	2	0	0	0	2
ND	5	25	0	2	7	39
NE	0	11	1	0	0	12
NM	4	68	1	0	6	79
NV	0	4	0	0	0	4
NYN	0	1	0	0	0	1
NYW	1	0	0	0	0	1
OKE	5	11	0	0	10	26
OKN	14	18	1	4	3	40
OKW	0	4	0	0	2	6
OR	0	6	0	0	0	6
SD	1	87	0	8	0	96
WAE	0	3	1	0	3	7
WAW	2	6	0	0	0	8
WIE	0	5	0	0	0	5
WY	0	2	0	0	0	2
TOTAL	33	529	12	23	42	639

As demonstrated in Figure 5 below, the majority of all declined cases for CY 2020 were declined due to insufficient evidence. The insufficient evidence category includes circumstances with lack of evidence of criminal intent, weak or insufficient evidence, or witness issues. Figure 6 that follows provides a comparison of declination categories for CY 2016 through CY 2020 for Indian country cases. In matters where there is insufficient evidence, the government cannot sustain its burden of proof beyond a reasonable doubt, and the prosecutor must decline these matters. However, if additional evidence is presented later, the matter may be reopened (subject to statutes of limitations) and prosecuted.

Figure 5: Declinations by Reason in Indian Country Crimes, CY 2020

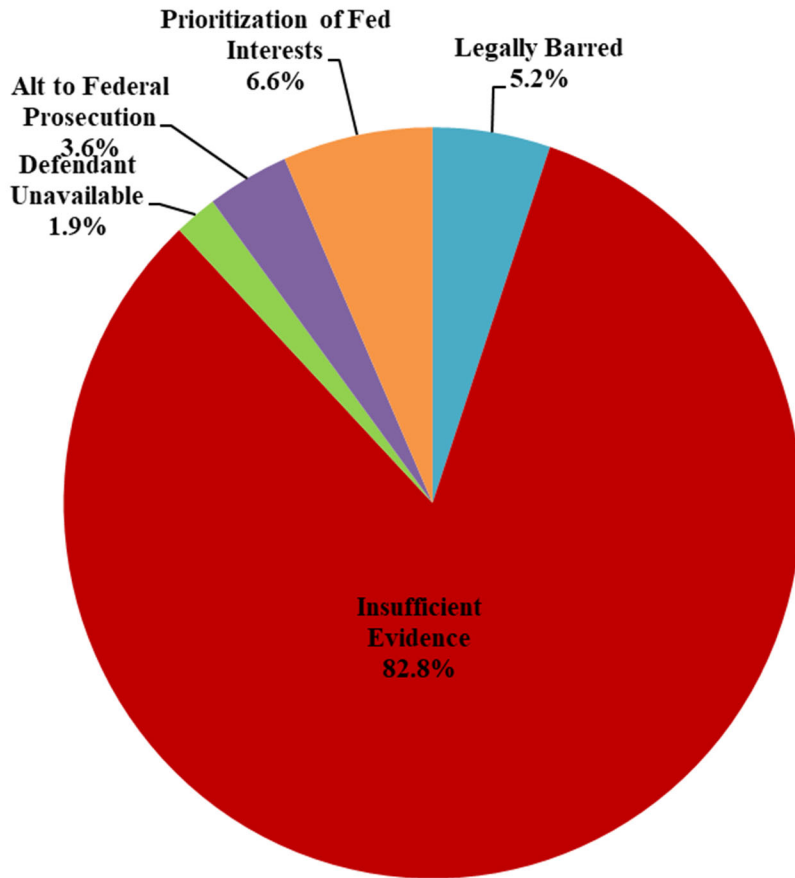
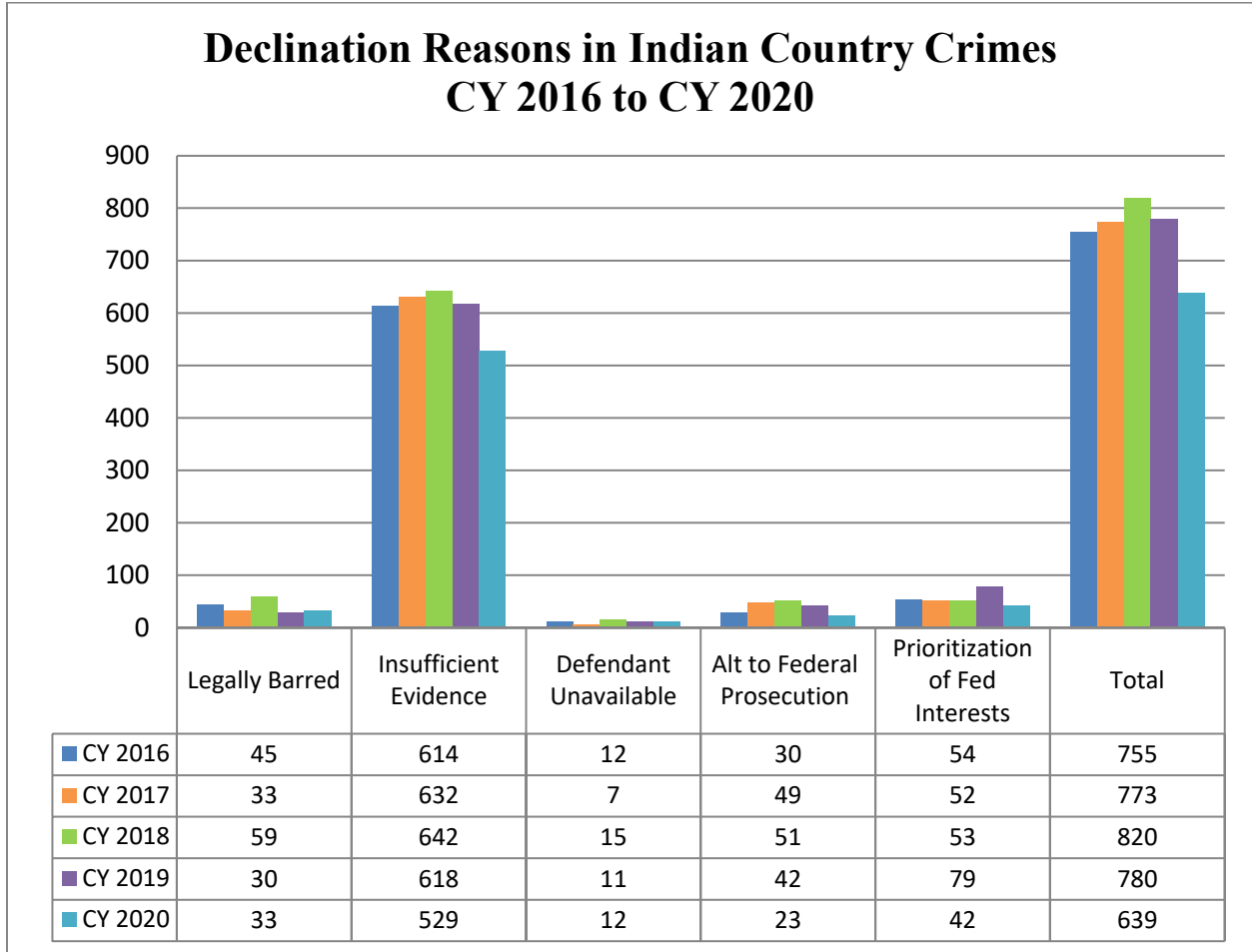


Figure 6: Declination Reasons in Indian Country Crimes



Methodology Applied for Generating Type of Crime Data

The CaseView User Manual states the lead investigative charge is the substantive statute that is the primary basis for the referral. Given the number of federal criminal code sections and the ability to assimilate state law for certain crimes occurring in Indian country (under the Assimilative Crimes Act, 18 U.S.C. § 13), this report assigns the lead investigative charge to broad categories based on case commonality. All lead investigative statutes appearing in CY 2020 Indian country matters declined (those assigned program category code 065 or 092) were reviewed and grouped into six categories: (1) assault; (2) murder; (3) sexual assault (including child and adult victims); (4) drug, alcohol, and other offenses; (5) financial crimes, public corruption, and fraud; and (6) jurisdictional, penalty, or state statutes.²⁸

Below, Table 12 reports aggregate declinations by type of crime and federal judicial district, while Figure 7 provides a percentage breakdown of aggregate declinations by types of

²⁸ Appendix B provides a complete list of all lead investigative charges used in CY 2020, as assigned to one of the six categories created for purposes of this report.

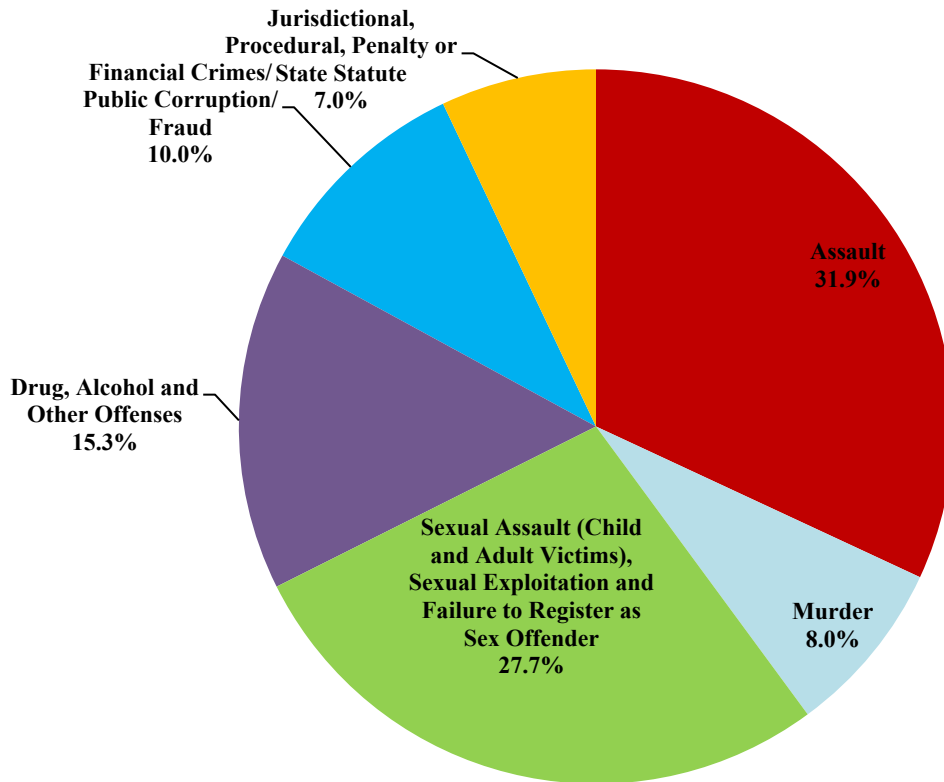
crime. Table 13 categorizes the aggregate declinations and the reasons those matters were declined.

Table 12: Indian Country Defendants Declined by Type of Crime, CY 2020²⁹

	Assault	Murder	Sexual Assault (Child and Adult Victims), Sexual Exploitation and Failure to Register as Sex Offender	Drug, Alcohol and Other Offenses	Financial Crimes/ Public Corruption/ Fraud	Jurisdictional, Procedural, Penalty or State Statute	Total
AK	1	0	0	1	5	0	7
AZ	70	18	54	14	4	1	161
CAS	0	0	0	0	1	0	1
CO	5	0	0	1	2	1	9
DC	0	0	0	1	0	0	1
ID	2	0	0	14	1	0	17
LAW	0	0	0	0	3	0	3
MIE	4	0	3	1	1	1	10
MIW	8	0	7	3	4	0	22
MN	17	0	2	2	3	1	25
MSS	0	0	1	0	0	0	1
MT	15	3	18	8	2	2	48
NCW	0	1	0	1	0	0	2
ND	8	6	18	5	1	1	39
NE	3	0	0	1	1	7	12
NM	30	7	21	11	3	7	79
NV	2	0	1	0	1	0	4
NYN	0	0	0	1	0	0	1
NYW	1	0	0	0	0	0	1
OKE	3	0	9	0	2	12	26
OKN	10	3	9	11	1	6	40
OKW	1	0	1	2	2	0	6
OR	2	1	2	1	0	0	6
SD	20	7	22	14	27	6	96
WAE	0	2	3	2	0	0	7
WAW	1	0	6	1	0	0	8
WIE	1	2	0	2	0	0	5
WY	0	1	0	1	0	0	2
TOTAL	204	51	177	98	64	45	639

²⁹ This table excludes districts that did not report any declinations for CY 2020.

Figure 7: Indian Country Declinations, by Type of Crime, CY 2020



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**Table 13: Indian Country Defendants Declined
by Type of Crime and Declination Reason, CY 2020**

	Legally Barred	Insufficient Evidence	Defendant Unavailable	Alt. to Federal Prosecution	Prioritization of Fed. Resources and Interests	Total
Assault	5	180	3	8	8	204
Murder	5	45	0	0	1	51
Sexual Assault (Child and Adult victims)	8	149	5	6	9	177
Drug, Alcohol, and Other Offenses	7	81	1	3	6	98
Financial Crimes/Public Corruption/Fraud	1	56	2	1	4	64
Jurisdictional, Penalty, or State Statute	7	18	1	5	14	45
Total	33	529	12	23	42	639

In 2020, the majority (59.6 percent) of declinations involved physical and sexual assaults, sexual exploitation, or failure to register as a sex offender. These statistics are consistent with statistics from previous years. While the number of declinations for these types of offenses may appear high, there are inherent challenges in prosecuting these types of crimes — challenges that are not unique to the federal system. Cooperation among federal and Tribal law enforcement and victim advocates is key to successfully prosecuting a sexual assault perpetrator in Indian country. Currently, every USAO with Indian country has developed guidelines for handling sexual violence cases designed to improve the federal response to sexual abuse in Tribal communities.

Declinations alone do not provide an accurate accounting of the USAOs’ handling of Indian country criminal cases. To provide context to the declination numbers, Table 14 below lists the “total Indian country matters resolved” for each federal district — that is, the total number of Indian country suspects in immediate declinations, suspects in matters terminated (which includes all later declinations), and defendants filed.

For example, in the district of Arizona there were 768 Indian country matters resolved in CY 2020. This number includes the 161 declinations previously reported in Tables 11 and 12. It also includes an additional 579 Indian country cases that Arizona resolved in CY 2020 by means other than a federal declination or referral and 28 Indian country matters referred to another jurisdiction for prosecution.

Similarly, for all districts combined, 2,878 Indian country matters were resolved in CY 2020. This number includes the 639 declinations reported in Tables 11 and 12. It also includes 1,705 matters in Indian country that were resolved in CY 2020 by means other than a federal declination or referral and 534 Indian country matters referred to another jurisdiction for prosecution.

Table 14: Total Indian Country Matters Resolved by USAO, CY 2020

District	CY 2020 Indian Country Matters Resolved	CY 2020 Indian Country Declinations	CY 2020 Indian Country Matters Referred to Different Jurisdiction	CY 2020 Indian Country Matters Resolved Other than by Federal Declination or Referral
ALASKA	37	7	5	25
ALABAMA SOUTHERN	1	0	0	1
ARIZONA	768	161	28	579
CALIFORNIA NORTHERN	4	0	2	2
CALIFORNIA SOUTHERN	1	1	0	0
COLORADO	26	9	1	16
DISTRICT OF COLUMBIA	1	1	0	0
IOWA NORTHERN	2	0	0	2
IDAHO	46	17	1	28
INDIANA NORTHERN	1	0	0	1
LOUISIANA WESTERN	4	3	1	0
MICHIGAN EASTERN	30	10	7	13
MICHIGAN WESTERN	39	22	1	16
MINNESOTA	77	25	3	49
MISSISSIPPI SOUTHERN	11	1	0	10
MONTANA	151	48	24	79
NORTH CAROLINA WESTERN	6	2	0	4
NORTH DAKOTA	149	39	9	101
NEBRASKA	50	12	2	36
NEW MEXICO	166	79	3	84
NEVADA	6	4	0	2
NEW YORK NORTHERN	5	1	2	2
NEW YORK SOUTHERN	1	0	0	1
NEW YORK WESTERN	1	1	0	0
OKLAHOMA EASTERN	292	26	171	95
OKLAHOMA NORTHERN	434	40	233	161
OKLAHOMA WESTERN	67	6	0	61
OREGON	31	6	0	25
SOUTH DAKOTA	330	96	29	205
TEXAS SOUTHERN	6	0	0	6
TEXAS WESTERN	4	0	0	4
UTAH	18	0	0	18
WASHINGTON EASTERN	40	7	0	33
WASHINGTON WESTERN	25	8	10	7
WISCONSIN EASTERN	23	5	2	16
WISCONSIN WESTERN	1	0	0	1
WYOMING	24	2	0	22
ALL DISTRICTS	2,878	639	534	1,705

Defendant and Victim Indian/Non-Indian Status

TLOA requires that USAOs record the Indian/non-Indian status of defendants and victims. For cases marked with one of the two Indian country program category codes, CaseView requires users to designate the Indian status of both the victim and the defendant.

Table 15: Indian Status of Suspects and Victims in Declined Indian Country Matters, CY 2020

	All suspects in the matter were declined				At least 1 suspect in the matter was declined, but other suspects in the same matter are either: still under investigation, or had charges filed against them			
	Suspects Declined, Indian	Suspects Declined, Non-Indian	Victims in these Matters, Indian	Victims in these Matters, Non-Indian	Suspects Declined, Indian	Suspects Declined, Non-Indian	Victims in these Matters, Indian	Victims in these Matters, Non-Indian
Financial Crimes/Public Corruption/Fraud	33	26	13	6	0	5	1	0
Drug, Alcohol, and Other Offenses	55	22	11	16	7	14	0	0
Assault	145	57	115	60	2	0	5	1
Murder	30	20	34	7	1	0	1	0
Sexual Assault (Child and Adult Victims), Sexual Exploitation and Failure to Register as Sex Offender	137	40	113	26	0	0	0	0
Jurisdictional, Procedural, Penalty, or State Statute	24	18	13	8	3	0	1	1

C. Examples of Successful Indian Country Prosecutions

Indian country prosecutors secured numerous convictions in CY 2020. Below are examples of convictions that had a significant impact to the affected communities.

U.S. v. Sijohn (District of Idaho): In July 2020, Duke Isaac Sijohn, a Coeur d’Alene Tribal member, was living within the boundaries of the Coeur d’Alene Indian Reservation with his intimate partner and girlfriend. On July 22, 2020, Sijohn punched her in the face. This was at least Sijohn’s third assault against a domestic partner. In February 2021, Sijohn entered a guilty

plea to habitual domestic violence, and in July 2021, was sentenced to 41 months in prison and 3 years of supervised release.

U.S. v. Cleveland (District of New Mexico): In June 2020, Kirby Cleveland, an enrolled member of Navajo Nation, was sentenced to 30 years in prison for second-degree murder for killing Houston James Largo, a Tribal police officer for the Navajo Nation. Cleveland pleaded guilty on December 12, 2019. In his plea, Cleveland admitted to killing Largo with callous and wanton disregard for human life on March 11, 2017, in McKinley County, New Mexico, on the Navajo Nation. According to court records, Cleveland was intoxicated and became angry while at home with his children and his common law wife, who called the police. When Officer Largo responded to the home, Cleveland shot Officer Largo in the head, killing him before fleeing the scene. State, local, and Tribal law enforcement conducted a large-scale search for Cleveland and located him the next morning hiding under a rock about a mile and a half away.

U.S. v. Lambert (Western District of North Carolina): In August 2020, George Allen Lambert of Cherokee, N.C., an enrolled Member of the Eastern Band of Cherokee Indians, was sentenced to 45 months of imprisonment and three years of supervised release for stabbing a victim with a knife. On May 2, 2019, Lambert and the victim were visiting a residence in Swain County, within Indian country. Over the course of the evening, Lambert quarreled with the victim after Lambert accused the victim of stealing his money. During the argument, Lambert took out a knife and stabbed and sliced the victim multiple times in his shoulder and torso area. The victim sustained heavy blood loss and required emergency surgery and more than 30 stitches as a result of the wounds inflicted by Lambert. Following the stabbing incident, Lambert fled the scene. On November 5, 2019, a jury convicted Lambert of assault resulting in serious bodily injury, and assault with a dangerous weapon with intent to do bodily harm.

U.S. v. Roberts (Eastern District of Oklahoma): In July 2020, Mandrell Ray Roberts was sentenced to 120 months imprisonment, and 5 years supervised release with mandatory sex offender registration and treatment and a restriction that he cannot live with or be around children under 18 for two counts of Abusive Sexual Contact in Indian country. The Indictment alleged in two separate counts that beginning in or about July 2018, and continuing until on or about July 31, 2019, in Indian country, the defendant, an Indian, knowingly engaged in sexual contact and caused sexual contact by intentionally touching, directly and through the clothing, the breast and buttocks of two people who had not attained the age of 12 years, with an intent to arouse or gratify the sexual desire of any person.

U.S. v. Terry (Eastern District of Oklahoma): In August 2020, George Phillip Tiger was sentenced to 12 months and 1 day imprisonment, 2 years supervised release, and ordered to pay a \$10,000 fine for bribery concerning programs receiving federal funds. In connection with the same case, Aaron Dewayne Terry was sentenced to 48 months imprisonment, 3 years supervised release, and ordered to pay restitution in the amount of \$1,250,000 for the theft and embezzlement of funds from business entities wholly owned by the Alabama-Quassarte Tribal Town (AQTT). Terry was also sentenced to 36 months of imprisonment, 1 year of supervised release, and ordered to pay restitution in the amount of \$105,068.58 for federal tax charges. AQTT is a federally recognized Indian Tribe located in Oklahoma with an enrollment of 461 members. AQTT-owned business entities focus primarily on federal contract procurement in Huntsville, Alabama. Tiger, the former Principal Chief of the Muscogee (Creek) Nation, was an agent of AQTT from September 26, 2017 through December 4, 2018. His duties included

serving as the Chairman of the Economic Development Authority (EDA) Board. AQT formed EDA to identify, plan, initiate, and develop Tribal economic and industrial activities on behalf of AQT. The government alleged that from on or about and between September 26, 2017 and February 15, 2019, Tiger corruptly solicited, demanded, accepted, and agreed to accept a bribe from Terry, intending to be influenced and rewarded in connection with a transaction or series of transactions of AQT. Terry held various executive management and control positions within AQT-owned business entities.

U.S. v. Dennis (Northern District of Oklahoma): In July 2021, Dustin Lee Dennis pleaded guilty to two counts of child neglect in Indian country after he left his two children unsupervised for more than four hours, at which time the children gained access to his parked vehicle and died due to extreme heat exposure. Dennis admitted that while caring for his children on June 12-13, 2020, he got high on cocaine and stayed up playing video games. He fell asleep on June 13, leaving the children unsupervised. The children entered Dennis' vehicle in the driveway, were unable to get out of the truck and later died from exposure to extremely high temperatures while trapped in the truck. Both of Dennis' children were citizens of the Cherokee Nation, and the crime occurred within the boundaries of the Muscogee Nation reservation. On November 8, Dennis was sentenced to 48 months of imprisonment followed by five years of supervised release.

U.S. v. Hardiman (Northern District of Oklahoma): In September 2020, Harlan Frank Hardiman punched Barry James Harrell in the head at the downtown Tulsa Transit bus terminal, which is located in Indian country. As a result of the punch, Harrell fell and hit his head on the concrete sidewalk. He subsequently died of a massive head bleed (subdural hematoma). In March 2021, Hardiman was sentenced to 24 months in prison followed by three years supervised release.

U.S. v. Mendez (Eastern District of Washington): In January 2020, Lorenzo Elias Mendez, a former Yakama Nation police officer, was sentenced after a jury found him guilty of attempted production of child pornography on August 16, 2019. According to information disclosed during court proceedings, from January to June 2018, Mendez surreptitiously videotaped a minor undressing via a hidden "spy camera." The images taken from the camera were received via Wi-Fi signal on Mendez's phone. Mendez then imported the images into other applications where they were edited and saved. Evidence of over 500 such surreptitiously taken images was presented at trial. Mendez was sentenced to a 20-year term of imprisonment, to be followed by a 20-year term of court supervision after he is released from federal prison. At sentencing, the judge noted Mendez, a Tribal police officer at the time the crime was committed, abused the trust not only of his victim, but of the community as well in committing the crime.

U.S. v. Tatshama (Eastern District of Washington): Davis Henderson Tatshama Sr., an enrolled member of the Confederated Tribes of the Colville Reservation, was sentenced in March 2021 after pleading guilty in December 2020 to Threats in Interstate Commerce. Tatshama was sentenced to a 24 months of imprisonment, followed by a 3-year term of court supervision after he is released from federal custody. According to the court documents, this case arose in January 2020 when, over the course of approximately eleven hours, Tatshama sent a series of Facebook messages to his ex-girlfriend, who is also Native American. In those messages, Tatshama threatened to kill and otherwise harm his ex-girlfriend while intending to harass and intimidate her. At the time, Tatshama was the defendant, and his ex-girlfriend was the victim in two

pending Colville Tribal Court cases alleging assault by strangulation and battery. Tatshama later pleaded guilty to the Tribal charges and the Tribal court sentenced him to 270 days confinement.

V. Department of Justice Commitment to Indian Country

The Department is working diligently with Tribes and Tribal partners to improve public safety in Native American communities, including to address the important issues of missing or murdered indigenous persons. In a November 15, 2021 memorandum, Deputy Attorney General Lisa Monaco identified this work “as a priority for [the Department’s] law enforcement components” and also recognized that “the broader public safety and public health concerns that underlie many of these cases . . . require solutions from across the Department’s components.”

Consistent with this commitment, the Department has launched a Steering Committee to review its current guidance, policies, and practices and recommend any changes necessary to better facilitate this work, including implementing President Biden’s Executive Order No. 14,053, “Improving Public Safety and Criminal Justice for Native Americans and Addressing the Crisis of Missing or Murdered Indigenous People.” The Steering Committee’s work will build off existing efforts to develop a coordinated federal law enforcement response to these cases, including the Department’s dedicated work to implement two important pieces of legislation enacted in 2020: Savanna’s Act and the Not Invisible Act.

In all these efforts, the Department recognizes that challenges faced by Tribes are best met by Tribal solutions, and it will therefore make Tribal engagement the cornerstone of its work. In that vein, the Department has prioritized building partnerships with Tribal governments and law enforcement active in Indian country to better promote public safety. The Department’s response to the Supreme Court’s 2020 decision in *McGirt v. Oklahoma*,³⁰ exemplifies the importance of close collaboration with Tribal partners. That decision, along with subsequent decisions by the Oklahoma Court of Criminal Appeals, recognized that much of the eastern portion of Oklahoma is Tribal land. Accordingly, it is expected there will be a significant increase in Oklahoma Tribal cases in the 2021 report. In response, the U.S. Attorney’s Offices in Oklahoma, along with federal law enforcement agencies, have worked closely with impacted Tribes to promote public safety on Tribal land – both in urban and rural environments, including hosting a series of formal consultation sessions. Those consultations and ongoing discussions have been critical to the Department’s efforts to support public safety throughout the state.

More broadly, the lessons the Department has learned in Oklahoma will help it be a better partner to Tribes across the country. The Department’s work has underscored the benefits of its cross-jurisdictional partnerships and illustrated how to strengthen those partnerships with Tribes at the federal, state, and local level. The work has also shown the importance of working with each Tribe individually and avoiding “one size fits all” solutions. Moving forward, the Department will continue to work closely with Tribes to build law enforcement capacity, which will in turn increase public safety. Indeed, during the White House’s Tribal Nations Summit on November 15, 2021, the Attorney General gave remarks that underscored the importance of each U.S. Attorney Office working collaboratively and respectfully with sovereign Tribal governments. He announced that the Department would require that all Senate-confirmed U.S. Attorneys in districts with Tribal land meet with experts from the Office of

³⁰ 140 S.Ct. 2452 (2020).

Tribal Justice and the Executive Office for U.S. Attorneys to learn about significant Tribal justice issues in their jurisdictions and about best practices for consulting with local Tribal members.

Ultimately, while the Department has made significant strides, the Department acknowledges that the fight is far from over. The Department is fully committed to its Indian country responsibilities, and it looks forward to continuing to partner with American Indian and Alaska Native leadership, as well as Congress, to help Tribes provide safe communities for all citizens.

“The Department of Justice is committed in our efforts to address high rates of violent crime in Native communities and to improving the federal response to reports of missing or murdered American Indians or Alaska Natives..”

—*Lisa Monaco,*
Unites States Deputy Attorney
General

Appendix A: Glossary of Terms

Cases Filed: All proceedings for which an indictment or information has been filed in District Court during the current fiscal year, regardless of the fiscal year in which the proceeding was opened as a criminal matter in CaseView. If at least one defendant is charged, the proceeding is counted as a case, even if one or more additional suspects may remain in matter status. Filings before a magistrate judge and United States Appeals Court are not included in these counts.

Defendants in Cases Filed: The number of defendants associated with each case filed.

Defendants in Matters Received: The number of the suspects associated with each matter received.

Defendants in Matters Terminated: The number of suspects whose matters were terminated.

Suspect: Refers to an individual identified as potential wrongdoer in an open matter.

Matters Received: Referrals from law enforcement opened in CaseView, in which AUSAs spend one hour or more of time. Matters received includes criminal referrals from investigative agencies and matters that may be handled as misdemeanor cases filed before a magistrate judge. Matters received does not include criminal miscellaneous matters (requests for arrest warrants, search warrants, etc.), petty offenses or infractions, or matters that are immediately declined.

Matters Terminated: All proceedings terminated (closed) during the reporting where no charges were filed. Matters terminated includes later declinations, no true bills, and criminal matters that are handled as misdemeanor cases filed before a magistrate judge. A matter is not considered terminated until proceedings related to all suspects associated with the matter are terminated.

Appendix B: CaseView Lead Investigative Charges for Indian Country Declinations in CY 2020

Assault

18 USC 111	Assaulting, resisting, impeding certain officers
18 USC 111a	Assaulting, resisting, or impeding certain officers or employees
18 USC 111a1	Forcibly assault/resist/impede/intimidate person engaged official duty
18 USC 113a1	Assault with intent to commit murder
18 USC 113a2	Assault with intent to commit any felony, except murder
18 USC 113a3	Assault with dangerous weapon intent to bodily harm without just cause
18 USC 113a4	Assault by striking, beating, or wounding
18 USC 113a5	Assault within maritime and territorial jurisdiction - Simple Assault
18 USC 113a6	Assault resulting in serious bodily injury
18 USC 113a7	Assault resulting in substantial bodily injury to an individual
18 USC 113a8	Assault of a spouse/partner by strangling/suffocating or attempting
18 USC 115	Influencing, impeding, or retaliating against a Federal official
18 USC 117	Domestic assault by an habitual offender
18 USC 844i	Using fire/explosive to damage/destroy property with injury to persons
18 USC 1368	Harming Animals used in Law Enforcement
18 USC 2113ad	Assault any person, puts life in jeopardy by use of a dangerous weapon
18 USC 2262	Interstate violation of a protective order
06S:6-2-502aiii	Threatens to use a drawn deadly weapon unless reasonably necessary
06S:6-2-503	Child abuse
12.1S: 12.1-17-01.1	Assault
12.1S:12.1-17-04(1)	Threatens to commit any crime of violence/act dangerous to human life
13AS:13A-6-132a	Person commits domestic violence/crime of assault in the third degree
13S:13-3623	Child or vulnerable adult abuse
14S:14-09-22	Abuse or neglect of child
14T:00292	Assault and battery defined
14T:00504	Child neglect
14T:00505	Child abuse
21S:843.5A	Child Abuse
21S:843.5C	Child Neglect
22D:00405	Assault On Member Of Police Force Or Fire Dept.
22D:00407	Threats To Do Bodily Harm
30S:30-22-21	Assault upon peace officer
36R:2.34a1	Engage in fighting or threatening, or in violent behavior

Murder

18 USC 34	Penalty when death results
18 USC 1111	Murder

18 USC 1112	Manslaughter
05S:5-10-104a3	Manslaughter
14T:00921	Murder defined
14T:00922	First and second degree murder defined
14T:00924	Manslaughter defined and classified

Sexual Assault (Child and Adult Victims), Sexual Exploitation and Failure to Register as Sex Offender

18 USC 2241	Aggravated sexual abuse
18 USC 2241a	Aggravated sexual abuse by force or threat
18 USC 2241b	Aggravated sexual abuse by other means
18 USC 2241c	Aggravated sexual abuse with children
18 USC 2242	Sexual abuse
18 USC 2242(1)	Whoever threatens or causes another person to engage in a sexual act
18 USC 2242(2)	Engages in a sexual act with another person
18 USC 2243	Sexual abuse of a minor or ward
18 USC 2243a	Sexual abuse of a minor
18 USC 2243a1	Sexual abuse of a minor that has attained age 12 but not age 16
18 USC 2243a2	Sexual act with minor at least 4 years younger than person so engaging
18 USC 2244	Abusive sexual contact
18 USC 2250	Fail to register as sex offender after traveling interstate commerce
18 USC 2250a	Failure to register - In general
18 USC 2250a1	Require to register under Sex Offender Registration & Notification Act
18 USC 2251a	Sexual exploitation of children for purpose producing visual depiction
18 USC 2252	Material involving sexual exploitation of minors
18 USC 2252a2	Receive, distribute visual depiction involving sexual exploit of minor
18 USC 2257	Child sexual exploit/abuse -Record keeping require
18 USC 2421	Transportation for illegal sexual activity and related crimes
18 USC 2422	Transport for sex - Coercion and enticement
18 USC 2422b	Use interstate/foreign commerce US persuade minor in sexual activity
18 USC 2252A	Activity relating material constituting/containing child pornography
06S:6-2-313	Sexual battery
10 USC 920a1	Person causes another person any age to engage in sexual act by force
12.1S:12.1-20-07(1)a	Sexual Assault - Person knows contact is offensive to the other person
13AS:13A-6-68	Indecent exposure
16S:16-6-8a2	Public indecency - A lewd exposure of the sexual organs
16S:16-6-8a4	Public indecency-Lewd caress/indecent fondling body of another person
22D:04801	Rape

Drug, Alcohol, and Other Offenses

18 USC 35	Imparting or conveying false information
18 USC 81	Arson in special maritime and territorial jurisdiction
18 USC 228a1	Failure to pay child support greater than \$5,000

18 USC 247d3	attempted or threatened use of a dangerous weapon, explosives, or fire
18 USC 751	Escape - Prisoners in custody
18 USC 792	Harboring or concealing persons
18 USC 842i3	Person who is unlawful user of or addicted to any controlled substance
18 USC 875	Interstate Communications
18 USC 875c	Transmit interstate/foreign commerce communication threat to kidnap
18 USC 911	False personification - Citizen of the US
18 USC 922a1A	Unlawfully engaging in the business of firearms
18 USC 922g1	Unlawful shipment, transfer, receipt, or possession by a felon
18 USC 922g2	Unlawful shipment, transfer, receipt, or possession by a fugitive
18 USC 922g3	Unlawful shipment, transfer, receipt, or possession by a drug addict
18 USC 922g9	Unlawful possession by person convicted/misdemeanor domestic violence
18 USC 922k	Unlawful receipt/possession of firearm with obliterated serial number
18 USC 924c1Aiii	Discharge a firearm during commission of a federal crime of violence
18 USC 924m	Stealing a firearm from license importer/manufacturer/dealer/collector
18 USC 1170	Illegal trafficking Native American human remains
18 USC 1201	Kidnaping
18 USC 1363	Buildings or property within special maritime/territorial jurisdiction
18 USC 1512	Tampering with a witness, victim, or an informant
18 USC 1951	Hobbs Act
18 USC 2111	Robbery/burglary - Special jurisdiction
18 USC 2113a	Take or attempt to obtain by extortion any property, money, valuables
18 USC 2237a1	Fail to obey order from authorize federal officer to heave that vessel
18 USC 2312	Transportation of stolen vehicles
18 USC 2313	Sale or receipt of stolen vehicles
18 USC 2320a4	Whoever intentionally traffics in a counterfeit drug
18 USC 2342a	Knowingly transport/possess/sell/purchase contraband tobacco products
18 USC 3295	Arson Offenses
18 USC 3665	Firearms possessed by convicted felons
18 USC 875d	Extortion and threats
18 USC 2261A	Stalking
21 USC 828	Controlled substances - Order forms
21 USC 841	Drug Abuse Prevention & Control-Prohibited acts A
21 USC 841a1	Manufacture, distribute, dispense, possess a controlled substance
21 USC 841a1b1Avi	Distribute\possess w\intent to distribute 400 grams\more of fentanyl
21 USC 841b1Biii	5 grams or more of a mixture/substance which contains cocaine base
21 USC 841b1C	Possession w\Intent to Distribute
21 USC 841b1D	Possession with intent to distribute marijuana
21 USC 841c	Offenses involving listed chemicals
21 USC 844	Penalty for simple possession
21 USC 846	Attempt and conspiracy
21 USC 860a	Distributing/manufacturing controlled substances near schools/colleges
21 USC 959	Possession, manufacture, or distribution for purpose
06T:00604a1	Possession with Intent to Distribute

10S:11550a	No person shall use/be under the influence of any controlled substance
11s: 11364(a)	Possession of Drug Paraphernalia
12S:23154a	Driving under the influence while on probation for a prior DUI
13AS:13A-11-10a	Public Intoxication
14T:00252	Arson in the first degree
16S:16-11-102	Pointing gun or pistol at another
17S:291E-61a1	Operate vehicle under influence alcohol amount sufficient to impair
17S:291E-64	Operate vehicle after consuming measurable amount of alcohol-under 21
18.2S:18.2-266	Driving motor vehicle, engine while intoxicated
18S:4301.62B4	Open Container
20S:20-138.1	DWI - Impaired driving
20T:00493	DUI; violations; penalties
22D:02001	Kidnapping
36R:1002.35b2	Possession of Controlled Substance
41S:41-6a-502(1)	Driving under the Influence of Alcohol
42 :1320d-6a3	Discloses individual identifiable health information to another person
43S:484C.110	Driving under influence alcohol/prohibited substance
47S:47-11-902	Driving Under the Influence
647S:647i	Peeping while Prowling

Financial Crimes/Public Corruption/Fraud

18 USC 19	Petty Offense Defined
18 USC 208	Acts affecting a personal financial interest
18 USC 287	False, fictitious or fraudulent claims
18 USC 472	Uttering counterfeit obligations or securities
18 USC 661	Embezzlement/theft in special jurisdictions
18 USC 663	Solicitation or use of gifts
18 USC 666	Theft or bribery in programs receiving Fed funds
18 USC 667	Theft of livestock
18 USC 1001	Fraud/false statements or entries generally
18 USC 1030a5A	Knowingly causes transmission program result damage protected computer
18 USC 1159	Misrepresentation of Indian produced goods/product
18 USC 1163	Embezzlement and theft from Indian Tribal organizations
18 USC 1167	Theft from gaming establishments on Indian lands
18 USC 1167b	Takes/carry away intent to steal money/property value excess \$1,000
18 USC 1168	Insider Theft of gaming establishments Indian land
18 USC 1343	Fraud by wire, radio, or television
04S:10851a	Person drive/take vehicle without consent with intent to deprive owner
13AS:13A-8-11a1	Unauthorized use of vehicle - Knowing does not have consent of owner
13AS:13A-8-192	Identity theft
13AS:13A-9-7	Criminal possession of forged instrument in the third degree
13S:13-1802A1	Theft
14T:01084	Petite larceny

14T:01087	Embezzlement defined
14T:01382	Unauthorized use of a vehicle
21S:01713	Knowingly Concealing Stolen Property (KCSP)
30S:30-16-20A3	Shoplifting-Altering label/price tag/markings upon merchandise
476S:476a(a)	Writing Checks on Insufficient funds
47S:47-1-403	Possession of a Stolen Vehicle (PSV)
CPC487S:487(d)(1)	Grand Theft Automobile

Jurisdictional, Procedural, Penalty, or State Statute

01S:20002a	Leaving the Scene of an Accident
05S:5-39-202a1	Break/enter building/structure/vehicle purpose of commit theft/felony
07D:02502.01	Firearms Control - Registration Requirements
12.1S:12.1-22-02	Burglary
12.1S:12.1-32-01(1)	Class AA felony, maximum penalty of life imprisonment without parole
13 USC 213	False statements, certificates, and information
13AS:13A-13-6	Endangering welfare of child
13AS:13A-9-18.1	Giving of false name or address to a law enforcement officer
13S:00459	Burglary
13S:13-1507	Burglary in the second degree
13S:13-1508	Burglary in the first degree
14S:00062	Simple Burglary
14S:14-223	Resist, Delay, Obstruct a Police Officer (RDO)
14S:14-51	First and second degree burglary
14S:14-54	Felony Breaking and Entering
14T:00298	Aggravated assault and battery
14T:00299	Simple assault and battery
14T:00443	Burglary in the second degree
14T:00444	Burglary in the third degree
14T:00551	Conspiracy
14T:01083	Grand larceny
14T:01266	Destruction of Other Property
14T:01741	Trespass
14T:02101	Buying, receiving or possession of stolen property
14T:02251	Carrying or using dangerous weapons
18 USC 13a	Prohibited transactions that violate prohibitions in Chapter 7
18 USC 13b1	Conviction for operating motor vehicle under influence of drug/alcohol
18 USC 844f1	Maliciously damage/destroy fire/explosive building/vehicle/property
18 USC 1153	Offenses committed within Indian country
18 USC 1165	Hunting, trapping, or fishing on Indian
18 USC 3565	Revocation of probation
18 USC 3583	Term of supervised release after imprisonment
18S:2232.3	Burglary Second Degree
18S:2232.8	Burglary Third Degree

18S:2610.1	Abuse of or cruelty to minor as felony - Defense to charge
18S:2923.12	Carrying concealed weapons; affirmative defenses
21S:01435	Burglary 2
21S:21-904	Eluding or escaping police officers prohibited
30S:30-15-1	Criminal damage to property
30S:30-16-1	Larceny
30S:30-16-3A	Burglary (dwelling)
30S:30-6-1D1	Knowingly permit child placed situation endanger child life/health
45S: 6-204	Burglary
48D:00503	Unknown Definition
609S:609.378(1)2b1	Recklessly endangering a child's physical, mental or emotional health
61S:61-8-316	Fleeing or Eluding Peace Officer
811S:811.540	Fleeing/eluding police officer
943S:943.10(1m)a	Whoever intentionally enters building/dwelling intent to commit felony
97S:97-17-23(1)	Burglary; breaking and entering; home invasion
97S:97-17-33	Burglary; other buildings, motor vehicles and vessels