

ARIZONA INDIAN COUNTRY REVIEW



U.S. Attorney's Office / District of Arizona

Issue #1 ~ April 2006

Welcome
From the desk of Paul K. Charlton
United States Attorney for the District of Arizona



I am pleased to bring you the first edition of the U.S. Attorney's Office Indian Country Newsletter. This first edition is dedicated to federal crime victims' rights and issues. The week of April 23rd has been set aside to commemorate National Crime Victims' Rights. This year's theme, "***Victims' Rights: Strength in Unity***," pays tribute to crime victims and survivors who have joined together in mutual support and advocacy to promote victims' rights and services. On April 27th, my office will commemorate National Crime Victims' Rights month by recognizing several individuals and programs for their service on behalf of federal crime victims in the District of Arizona. We are honored that the event will be attended by ***John W. Gillis, Director of the Office for Victims of Crime***.

Director Gillis has provided much needed support and resources to our office as it tackles the needs of federal crime victims, including those in Indian country. Last fiscal year, the seven members of our Victim Witness Program staff provided case notification service and personal outreach to a total of 1,604 federal crime victims, assisted in numerous trials, provided emergency and referral service, and attended tribal Multi-Disciplinary Team meetings in addition to other duties. I am extremely proud of our program and staff and this is an appropriate time to reflect on the meaningful service that they provide to individuals during some of their darkest days.

While I will continue to travel throughout Arizona's Indian Country to meet personally with tribal leaders and our law enforcement partners, and we will continue to provide you with an annual Indian Country Report, this newsletter will provide you with additional information on the continuing efforts of our office. I hope you will find it an informative tool.

A handwritten signature in blue ink, appearing to read "Paul K. Charlton".

Paul K. Charlton
United States Attorney
District of Arizona

The Justice for All Act

The *Justice for All Act* was signed into law on October 30, 2004. The Act modifies existing federal crime victims' rights and includes new provisions affecting all federal cases. The Act strengthens a crime victim's ability to be present, to be heard and to challenge specific federal judicial proceedings through an appellate process. Among the new rights are:

- ◆ The right to be reasonably heard at any public court proceeding (Involving Release, Plea or Sentencing);
- ◆ The right not to be excluded from any such public court proceeding unless the court receives clear and convincing evidence that the victim's testimony would be materially altered if the victim heard other testimony at that proceeding;
- ◆ If a federal court denies any right of a crime victim under this chapter the crime victim may petition the court of appeals for a writ of mandamus. The appeals court shall take up and decide the application within 72 hours of filing. Proceedings shall not be stayed or subject to a continuance of more than 5 days for purposes of enforcing this provision.
- ◆ The right to independent legal representation to enforce rights.

The United States Attorney's Office employs these rights through the Attorney General's Guidelines for Victims and Witnesses. The Guidelines require that *all* federal law enforcement agencies use their *best efforts* to implement these rights. In addition, the Act provides numerous victims' rights program grant opportunities for Indian tribes that demonstrate a recognition of crime victims' rights by implementing victims' rights ordinances or laws.

Tribal Criminal Records Project

The Bureau of Justice Statistics (BJS) and the National Consortium for Justice Information and

Statistics (SEARCH) recently held a workshop entitled "*Improving Tribal Criminal History Records*" in Mesa. The workshop, held March 21-22, was attended by several tribal T-CHRIP grantees (including the *Ft. McDowell Yavapai-Apache Nation* and the *Hopi Tribe*) the Arizona DPS, the FBI CJIS and NCIC, the BIA and the U.S. Attorney's Office. The workshop was intended to identify the challenges faced by Indian tribes who were implementing their grants to gain access to state and federal criminal history and non-criminal information data bases. Participants engaged in frank discussions with OJP personnel on the importance of sharing criminal history information among state and federal agencies and how state and federal agencies could benefit from this exchange.

In the next month or so, BJS will announce a second round of grant opportunities for the tribal records project. In addition, the BJS unveiled a new study, "*Census of Tribal Justice Agencies in Indian Country, 2002*," which can be viewed online at <http://www.ojp.usdoj.gov/bjs>. The Bureau of Justice Statistics compiles figures and analysis of trends in crime. The BJS tracks, for example, trends in federal conviction rates, civil and criminal matters, information about firearms and crime and victim characteristics.

Navajo Nation Justice Symposium

On March 8th and 9th, the *Navajo Nation* invited the federal judicial courts and federal criminal justice agency partners to Window Rock. The Nation sought to familiarize the federal agencies with its judicial systems and to provide a forum for open dialogue and consultation on issues of mutual interest. From Arizona, the event was attended by U.S. Magistrate Judge Mark Aspey, the Phoenix Division of the FBI and the U.S. Attorney and staff. Federal representatives from New Mexico and Utah also were present.

Among the issues discussed were: efforts to combat the influx of methamphetamine into Navajo communities; the resource and investigative needs of tribal law enforcement; traditional forms of justice employed by the

Navajo Nation; tribal and federal law enforcement partnerships, and crime victim service needs. In a closed session, the federal and tribal judges met to discuss issues that impact the daily operations of their courts. President Shirley and the First Lady, Vikki Shirley, attended the event and spoke on their efforts, individually and on behalf of the Nation, to improve public awareness on substance use and abuse and public safety. The Nation is to be congratulated on taking the initiative to facilitate open and earnest communication with its federal partners.

“Welcome”

Selanhongva McDonald, Special Agent in Charge (SAC), Bureau of Indian Affairs Office of Law Enforcement.

Selanhongva McDonald recently was appointed as the Special Agent in Charge for BIA OLE. SAC McDonald is from the Hopi tribe and began his law enforcement career as a tribal police officer for the tribe. Later, he became a certified criminal investigator and worked as a Special Agent for the Western BIA Nevada Agency. Thereafter, he joined the Indian Police Academy in Artesia, New Mexico as the Acting Chief and Special Agent/Instructor. As the Special Agent in Charge, SAC McDonald has responsibility for overseeing the law enforcement function for 43 Indian tribes in Arizona, Nevada, Utah, and several California tribes.

Indian Gaming News

Indian owned and operated gaming establishments bring much needed revenue to the 17 Indian gaming tribes in Arizona. To aide in the protection of that revenue, the United States Attorney and the Director of the Arizona Department of Gaming entered into a historic Memorandum of Understanding to fund a special federal prosecutor. The “AUSA” is hired and supervised by the U.S. Attorney’s Office and specifically designated to handle federal criminal

offenses in Arizona Indian gaming establishments. The MOU, sanctioned by the Arizona Indian gaming tribes, will supplement the resources of the USAO and facilitate training, coordination of investigations and general awareness of gaming crimes, investigative technique and to facilitate communication among all agencies responsible for regulating and protecting gaming assets. The USAO is currently interviewing candidates to fill this post.

Tohono O’odham Nation’s “Project Safe Neighborhood”- An Outstanding Overall Partnership/Task Force

Project Safe Neighborhood (PSN) is a Department of Justice program aimed at reducing gun violence through community and law enforcement partnerships. In early 2005, AUSA David Petermann, ATF Special Agents Mark Latham and James Hanover, Tohono O’odham Chief Prosecutor George Traviola, and Tohono O’odham Police Detective Rafael Castillo spearheaded a joint effort to introduce PSN to Arizona’s Indian Country.

The *Tohono O’odham Nation* is the largest tribe in southern Arizona with over 26,000 resident members on a reservation the size of Connecticut. In 2005, there was a 300% increase in the number of investigations and prosecutions involving gun crime in the *Tohono O’odham Nation*.

Detective Castillo, Agents Latham and Hanover, and AUSA Petermann maintain continuous contact with each other during the investigation and prosecution phases of each case (including prohibited possession of firearms, assaults with deadly weapons, firearm and ammunition smuggling, National Firearm Act violations, use of firearms in drug trafficking crimes, and murder). Detective Castillo acts to identify the *Nation’s* very worst gun crime offenders and

together he and the Chief Prosecutor refer cases meeting that criteria for federal prosecution.

This joint effort involves daily contact and frequent visits by AUSA Petermann and ATF Agent Latham to the *Nation* to review and process evidence, interview witnesses and victims, and coordinate PSN efforts with all levels of the *Tohono O'odham Nation*. The Tribal police department, Court system, probation department, prosecutor's office, and the Arizona Department of Public Safety (which aids in the forensic examination of evidence) are each involved in this enforcement action.

The outreach component of PSN in Indian Country involved a training program by the USAO and ATF on the investigation and prosecution of gun crimes in Indian Country. The *Nation's* prosecutor's office and each of the command officers attended this program. As a direct result of this program, referrals by the tribal police and prosecutor's office for federal prosecution doubled and both offices began, for the first time, to take part in and seek membership on the PSN Executive Council. Finally, the police department received a PSN grant to assist in the overtime pay of officers who target gun crime in the *Nation*.

In September of 2005, AUSA Petermann and ATF Agent Latham participated in the annual Four Corners Indian Country Conference by presenting an overview (using examples of their above successes) of Federal Gun Crime Investigation and Prosecution in Indian Country. PSN's outreach, implementation, and continued success in Indian Country in Southern Arizona is a direct result of the individuals involved in this Partnership.

Methamphetamine Initiative

Last summer, the U.S. Attorney invited the 21 Indian tribal police chiefs and the federal agencies to a round table discussion on how to collectively address the methamphetamine problem confronting their communities. At that meeting the respective SACs of the FBI, DEA and BIA committed their offices to cooperate and provide assistance to the tribal police departments that requested such assistance. As a result, the Arizona Indian Country Methamphetamine Eradication Proposal was developed. The proposal was presented in July, 2005, to the 21 Arizona Indian Tribes, the FBI, BIA and the DEA. Shortly thereafter, the U.S. Attorney met with the Arizona tribal leaders (collectively and in some cases, individually) to inform them of the initiative and the level of participation requested among each of the tribes and agencies.

Among the major goals of the program are to:

- ◆ Send a deterrent message that dealing drugs in Indian country amounts to long federal prison sentences;
- ◆ Focus resources on those who constitute the greatest threat to tribal communities;
- ◆ Prosecute all readily provable drug felonies, against targets that have a significant negative impact in their communities; and
- ◆ Encourage tribes to use their judicial systems to prosecute individual possession cases.

Already, several Arizona tribes have aggressively pursued this initiative and have begun to experience meaningful results.

Pending Legislation of Interest

S.1086: To improve the national program to register and monitor individuals who commit crimes against children or sex offenses.

S. 1899: A bill to Reauthorize the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse and for other purposes.

S.2245: A bill to establish an Indian youth Telemental Health Demonstration project.

S.2552: A bill to amend the Omnibus Control and Safe Streets Act of 1968 to clarify that Indian tribes are eligible to receive grants for confronting the use of methamphetamine, and for other purposes

Federal Announcements and Website Information

May 23-25, 2006 - The Office on Violence Against Women, United States Department of Justice and the National Tribal Trial College are sponsoring a free 3 day conference on Litigation and Enforcement of Child Custody, Child Support, and Visitation Orders in Minneapolis. Contact the Office on Violence Against Women for more information.

<http://www.usdoj.gov/> The Department of Justice encompasses the U.S. Attorney General's Office, the FBI, DEA, ATF, the U.S. Marshals Service, Office of Tribal Justice, OJP, and numerous other governmental offices.

<http://www.fbi.gov/hq/cjisd/cjis.htm> Criminal Justice Information Services Division is the largest division within the FBI, and serves as the central repository for criminal justice information services in the Bureau . The Integrated Automated Fingerprint Identification System and National Incident-Based Reporting System are also run by the CJIS.

<http://www.ncjrs.gov/App/Topics/Topic.aspx?TopicID=122> The Juvenile Justice Clearinghouse offers online access to information, prepares specialized responses to information requests, produces and distributes publications, provides exhibits at national conferences, and maintains a comprehensive juvenile justice library and data base.

<http://www.missingkids.com/> The National Center for Missing & Exploited Children is a non-profit organization that works to prevent child abduction and sexual exploitation; help find missing children; and assist victims of child abduction and sexual exploitation and the professionals who serve them.

<http://www.ojp.usdoj.gov/bjs/abstract/nsorap98.htm> National Sex Offender Registry Assistance Program supports the goal of establishing an effective national registry of sexual offenders. The registry will ensure that accurate and complete information about released sex offenders is appropriately made available to protect the public and prevent further victimization.

Did you know that the National Sex Offender *Public* Registry is available to the general public? The Bureau of Justice Assistance provides one-stop access to all states' sex offender registry information at <http://www.nsopr.gov/>

<http://www.ojp.usdoj.gov/ovc/> The Office for Victims of Crime provides coordination of services for victims of crimes. They have information for victims about federal statutes, compensation programs and victim's rights.



Save the Date

The annual “*Four Corners Indian Country Conference*” will be held in St. George, Utah on **August 16, 17 and 18, 2006.**

The U.S. Attorney’s Office for the District of Utah will host this year’s event.

Arizona Indian Country Review is prepared by the U.S. Attorney’s Office for the District of Arizona. This Newsletter is also available at our website: www.usdoj.gov/usao/az

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