

**Transcript: "Podcast: The Department's Tribal Law Enforcement Efforts Pursuant to the Tribal Law and Order Act of 2010," December 2017**

Stephanie Logan (SL): Welcome to the latest podcast from the Department of Justice Office of the Inspector General. My name is Stephanie Logan, and I am a Public Affairs Specialist in our office.

Today, our office released a report on the Department of Justice's Tribal Law Enforcement Efforts pursuant to the *Tribal Law and Order Act of 2010*. The Act aims to increase coordination and communication, empower tribes, and clarify government responsibilities relating to tribal justice. The review found that while the Department has taken some steps to implement the Act, it needs to make additional efforts to ensure that it is fully compliant with its important responsibilities in what the statute refers to as Indian country.

I'm here with Tanique Carter and Aundrea Baker, Inspectors in our Evaluation & Inspections Division. Thanks to you both for joining me.

Tanique Carter (TC): We're glad to be here, Stephanie. Thanks for having us.

SL: The report focuses on the implementation of the *Tribal Law and Order Act of 2010*. Could you elaborate on the Act?

TC: Sure. In 2009, Attorney General Eric Holder made it a Department priority to increase engagement, coordination, and action on public safety in Indian country, because of the disproportionate amount of violent crime and sexual assault experienced by American Indians. The Attorney General and other Department officials met with tribal leaders, who emphasized the need to improve collaboration and access to resources. And in 2010, Congress enacted the *Tribal Law and Order Act*.

SL: And, Aundrea, what did the Act do to try to accomplish these goals?

AB: Well, the Act laid out which Department components were responsible for legal assistance, investigative training, and data collection. The Office of Tribal Justice, the Executive Office for U.S. Attorneys, U.S. Attorney's Offices, the DEA, the FBI, and the Bureau of Justice Statistics each were assigned roles and responsibilities related to the Department's law enforcement efforts in Indian Country. A

Our review of these efforts found a lack of Department-level accountability because no single DOJ entity oversees these efforts; instead, each of the components are individually responsible for fulfilling the Act's requirements.

SL: And how is this all working – are these different parts of the Department coordinating with each other?

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AB: Great question. On that, we found that the Department needs to improve coordination among its components in order to fully comply with the Act. Our Department related findings are described fully in our report.

SL: And Inspector General Horowitz also talks about our Department-level findings in a video that was also released today. So let's focus this discussion on the U.S. Attorney's Offices, which from what I understand play a critical liaison role between the Department and tribal justice officials. So, Tanique, what specifically are their responsibilities?

TC: The U.S. Attorneys' Offices, which are located around the country, have a unique relationship to the tribes. U.S. Attorneys whose districts include tribal lands prosecute federal crimes that occur on those lands, and they have a direct relationship with tribal justice officials.

The Act gave the U.S. Attorney's Offices with Indian country jurisdiction a few additional responsibilities, including:

- designating an Assistant U.S. Attorney to serve as a Tribal Liaison,
- coordinating with tribal justice officials, and
- reporting all case declinations.

SL: Did these new requirements result in improved coordination and communication between the U.S. Attorneys' Offices and the tribal justice officials?

TC: Well Stephanie, we actually found some issues in this area. We found that many designated Tribal Liaisons still maintained a full-time case load. And if that case load is not appropriately balanced, it leaves little time for the Liaison to develop relationships, effectively communicate, and provide training to tribes, as the Act intended.

Across multiple districts, we found that communication between U.S. Attorney's Offices and tribes was lacking. For example, in some districts, tribes were not provided case updates and were not informed of case declinations in writing.

SL: I'd like to talk about another program, the Special Assistant U.S. Attorney program. This program allows tribal prosecutors to work alongside Assistant U.S. Attorneys to prosecute cases in federal court. What did your team find regarding this program?

TC: We found that there are plenty of benefits to this program. Particularly, it benefits tribal prosecutors in many ways, including

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enhanced communication and professional development. But we found that it did not have a consistent funding source or application guidelines, which we believe inhibits its usefulness. We believe that addressing these issues would improve the coordination of prosecutions for tribal communities and U.S. Attorney's Offices.

SL: The Special Assistant U.S. Attorney program is just part of professional development and training relating to tribal justice. Aundrea, can you talk about other aspects of training, across the Department?

AB: Sure, Stephanie. The Act requires that the Department coordinate with the Bureau of Indian Affairs to ensure that tribes have access to new or supplemental training. We found that the Department needs to do more to coordinate with the BIA to provide that training. For example, the DEA has provided tribes with access to the DEA's existing training, but very little was offered specifically for tribal law enforcement. And the FBI has also offered some training to the tribes, but they could improve their coordination with the BIA. This would help ensure that BIA and tribal law enforcement have access to training opportunities.

SL: So what is the bottom line of your findings in this report?

AB: Given the Department's primary role in Indian country, we believe it needs to improve its law enforcement efforts in the areas of communication, coordination, and training to enhance its commitment to public safety in Indian country.

SL: Tanique, Aundrea, thank you so much for speaking with me today.

TC: It's been a pleasure speaking with you too, Stephanie.

SL: That's it for today. To read the report, please visit our website, [oig.justice.gov](http://oig.justice.gov). Thanks for joining us.

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