



OFFICE OF THE INSPECTOR GENERAL

U.S. Department of Justice

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DOJ OIG Releases Report on the Department of Justice's Tribal Law Enforcement Efforts Pursuant to the *Tribal Law and Order Act of 2010*

Department of Justice (DOJ) Inspector General Michael E. Horowitz announced today the release of a report finding that the DOJ needs to improve communication and coordination among its components and with tribal law enforcement to ensure DOJ is effectively fulfilling all of its roles and responsibilities under the *Tribal Law and Order Act of 2010* (TLOA). The passage of TLOA resulted in mandates to DOJ to increase engagement and coordination in Indian country in the areas of legal assistance, investigative training, technical assistance, and data collection.

As described in today's report, the DOJ Office of the Inspector General (OIG) concluded that, while the Department and its components have taken some steps to implement TLOA, the Department's lack of a coordinated approach to providing law enforcement assistance in Indian country compromises its ability to comply with some TLOA requirements.

The specific findings in the report released today include:

- No single DOJ entity oversees Indian country law enforcement activities or ensures DOJ's compliance with TLOA mandates. In the absence of DOJ-wide coordination, DOJ components are individually responsible for fulfilling their TLOA responsibilities, resulting in a lack of DOJ-level accountability for TLOA compliance.
- Across districts, United States Attorney's Offices (USAO) do not consistently communicate or effectively coordinate with the tribes regarding their activities in Indian country. For example, we found that the process to notify tribes of prosecutors' decisions, particularly case declinations, varied across USAOs and was inconsistent within individual USAOs. We also found that the caseloads of Assistant U.S. Attorneys who serve as their USAO's Tribal Liaison, if not appropriately balanced with their TLOA responsibilities, might hamper their ability to develop relationships, effectively communicate, and provide training to tribes. In addition, we found that the use and expansion of the Special Assistant U.S. Attorney (SAUSA) program to prosecute crimes in Indian country was hampered by factors such as the absence of written eligibility criteria and inconsistent funding.

- The Department must do more to ensure that it provides all TLOA-required trainings to tribal law enforcement. The Executive Office for United States Attorneys' (EOUSA) National Indian Country Training Institute fulfills most of the training responsibilities assigned to USAOs. We found that some districts provide additional ad hoc training that is not consistently tracked by or reported to EOUSA. Further, while the Drug Enforcement Administration (DEA) and Federal Bureau of Investigation (FBI) have provided some training to tribal law enforcement, the DEA and FBI need to improve coordination with the BIA and tribal law enforcement, as TLOA required.
- Although TLOA does not require Indian country-specific training for FBI and DEA Special Agents, the work in Indian country presents unique challenges, and we found that FBI and DEA Special Agents received inadequate training prior to working in Indian country.
- The Department collects only limited tribal crime and prosecution data, and does not use that data to assess law enforcement efforts or identify resource and program needs. We found that seven years after TLOA became law, the DOJ Bureau of Justice Statistics' data collection and reporting efforts were still in development. As a result of this and other factors, crime data in Indian country remained unreliable and incomplete, limiting the Department's ability to engage in performance-based management of its efforts to implement TLOA. Although EOUSA and the FBI generally comply with TLOA data-reporting requirements, neither component uses the data collected to fully evaluate and improve law enforcement activities in Indian country.

Today's report makes 14 recommendations to the Department and its components to improve law enforcement activities in Indian country.

Report: Today's report is available on the OIG's website under "Recent Reports" and at the following link: <https://oig.justice.gov/reports/2017/e1801.pdf>.

Multimedia: To accompany today's report, the OIG has released a 3-minute video featuring the Inspector General and a 6-minute podcast featuring members of the review team discussing the report's findings. The video, podcast, and downloadable transcripts of each are available at the following link: <https://oig.justice.gov/multimedia/>.

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