



# Department of Justice

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**STATEMENT OF**

**R. TRENT SHORES  
UNITED STATES ATTORNEY  
NORTHERN DISTRICT OF OKLAHOMA  
U.S. DEPARTMENT OF JUSTICE**

**BEFORE THE**

**COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

**FOR A HEARING CONCERNING**

**SECURING STRONGER AND SAFER INDIAN COMMUNITIES:  
LEGISLATIVE HEARING ON PUBLIC SAFETY BILLS**

**PRESENTED**

**OCTOBER 25, 2017**

**Statement of R. Trent Shores  
United States Attorney  
Northern District of Oklahoma  
U.S. Department of Justice**

**Before the Senate Indian Affairs Committee  
October 25, 2017**

Chairman Hoeven, Vice-Chairman Udall, and Members of the Committee:

Thank you for the opportunity to testify before you today about three important bills pertaining to critical justice issues in Indian Country: S. 1870, Securing Urgent Resources Vital to Indian Victim Empowerment Act 2017; S. 1953, Reauthorization of the Tribal and Law Order Act of 2010; and S. 1942, “Savanna’s Act.” It is truly an honor to be here, not only as a United States Attorney representing the Justice Department, but also as an Oklahoman and as a member of the Choctaw Nation of Oklahoma. I began my legal career at the Department’s Office of Tribal Justice, meeting with tribal leaders from across the Country and even helping to draft testimony for officials who testified before this Committee. Fifteen years later, I am an experienced career prosecutor who has seen firsthand the very real challenges that these bills seek to address. As I reviewed the content of these bills, I am confident that we can—and will—work together to improve public safety in Native communities. It is our duty to do so as we seek to uphold our federal trust responsibility.

The three bills address some of the biggest threats to public safety in Native communities. Violent crime and substance abuse occurs at higher rates in Indian country than anywhere else in the United States. That is unacceptable. There are not enough resources to cover all of the needs of law enforcement and victim service providers working in and around Indian country. Too many correctional facilities in Indian country are overcrowded or substandard such that they cannot maintain sight and sound separation between adult and juvenile detainees. Furthermore, the need for treatment services is widespread and urgent. Like many areas of our Country, Indian communities have been plagued by the scourge of the opioid epidemic. We must improve our services and programs for Native juveniles involved in the justice system, and we need better law enforcement tools and techniques to respond to cases of missing and murdered Native peoples, especially Native women.

As the United States Attorney in the Northern District of Oklahoma, and throughout my years of experience working on tribal justice issues, I have seen and heard from tribal leaders, law enforcement, social service providers, and victims about the challenges that exist on-the-ground in Native communities. There are 39 federally recognized tribes in Oklahoma, and 14 of those are in my District. We have large tribes like the Cherokee Nation and Muscogee (Creek) Nation and smaller tribes such as the Pawnee, Miami, or Delaware Tribes. We prosecute a

diverse array of violent crimes and encounter too many victims who do not have the resources they so desperately need.

As a federal prosecutor, I have stood next to a hospital bed while a victim of domestic violence recounted the horrific details of how her lip was busted, her head concussed, her tooth knocked out, her arm broken, and her eye blackened. I listened to her cry as she explained that her boyfriend had flown into a fit of rage. I remember learning that the boyfriend had a history of domestic violence and that multiple women had sought protective orders against him. And I remember the disappointment when the victim notified us that she did not want to testify for fear of repercussions. While we were still able to successfully prosecute the boyfriend in this case, far too often tribal, state, and federal prosecutions of domestic violence offenders are unsuccessful because of witness and evidentiary problems. In this and similar moments, it was crucial that I had with me federal and tribal law enforcement agents and a victim-witness specialist to ensure that we met the needs of the prosecution and the victim. Multi-jurisdictional and multi-disciplinary teams are important in these types of cases, just as they also are in sexual assault and child sexual assault prosecutions.

In 2008, I sat on the floor of a doublewide trailer in rural Oklahoma with a BIA investigator and Cherokee Nation Marshal as we tried to build rapport with a twelve-year-old girl who had been repeatedly raped by her father for a period of years. The victim had been so victimized that she communicated by adopting the characteristics of horses, that is, she whinnied, snorted, and stamped her feet. You see, the horses in the field behind her house were the only thing in her life that had not hurt her. They were her friends. After months of intense work with our prosecution team and counselors, that same little girl—and two of her friends who had also been raped by her father—bravely testified in front of a jury and in front of her father. He was found guilty and is now spending life in a federal penitentiary.

Members of the Committee, there are many more cases like these—domestic violence, sexual assaults, child abuse—that require resources to be successfully investigated and prosecuted, and to help give a voice to victims. These bills seek to provide some of those critical resources and I thank you.

Thanks to the ongoing efforts of this Committee, federal agencies, and the Tribes, we are making progress in improving public safety in Native communities. Since the passage of the Tribal Law and Order Act of 2010 we are making progress in ensuring that Tribes are able to access law enforcement databases, which is critical to meeting public safety needs. We have expanded funding and training opportunities, established more productive protocols based on our government-to-government relationship with the Tribes, and have sought to be more clearly accountable for our efforts.

In the Northern District of Oklahoma, I am blessed to have a great relationship with the fourteen federally recognized tribes. My Tribal Liaison, Shannon Bears Cozzoni, regularly travels to Indian Country where, together with other federal prosecutors, she provides a variety of training to tribal law enforcement officials to help them obtain Special Law Enforcement Commissions to enforce federal law in Indian Country. As a former tribal liaison myself, I can assure you this position is crucial for United States Attorney's Offices and there are no more dedicated advocates for justice in Indian Country. The funding of training programs for tribal law enforcement through District-focused initiatives and the National Advocacy Center serves to improve the investigative skills of law enforcement, social service providers, and prosecutors working in Indian Country. Similarly, the creation of the Native American Issues Coordinator at the Executive Office for United States Attorneys and the formal establishment of the Office of Tribal Justice has given United States Attorneys with Indian Country in their Districts an ever-present voice in the halls of the Justice Department in DC even when we are not physically present. The Tribal Law and Order Act of 2010 has been good for Indian Country and good for those of us working to ensure justice in Indian country.

Each bill proposes new methods and refined approaches to addressing major threats to public safety. Savanna's Act addresses a tragic set of cases: missing and murdered individuals, often women, in Indian country. The Department of Justice supports the goals of this bill and the effort to take on this dark and tragic issue. We have identified some technical issues in the course of our review. For example, Section 1 of the bill references the Automated Integrated Fingerprint Identification System, which has been replaced with the Next Generation Identification System. We welcome the opportunity to work with your staffs to assist in making some technical adjustments.

The SURVIVE Act addresses a long-time issue in Indian country: a lack of resources to support the level of victim services warranted by the levels of violent crime in Indian country. The importance of providing effective services to victims of crime cannot be overstated. From any angle—humanitarian, law enforcement, community relations—it is both right and necessary. A number of the Department of Justice comments on an earlier version of this Act were incorporated into the current bill, which we recognize and appreciate. We note that the Act includes a consultation requirement. In fact, the Department, through the Office for Victims of Crime, has already begun making plans for formal consultations and listening sessions with tribes, with the first listening session having occurred in Milwaukee on October 18, 2017. Our review of this bill is ongoing, and welcome discussion with your staffs as we make progress towards a formal Administration response.

The Tribal Law and Order Act of 2010 was a significant and extremely positive piece of legislation. As a result of that legislation, the Department of Justice is making significant progress on improving public safety in Indian country. This Committee has received previous

testimony from this Department on the many ways that the 2010 Tribal Law and Order Act altered and improved the way that we work in Indian country and with our federal partners and we agree with the Committee's efforts to do more. Our review of this bill is also ongoing, so while we do not yet have a formal position to offer we do applaud efforts to compel greater improvements in law enforcement, data sharing, and justice for Native American and Alaska Native children. We are particularly heartened that you intend to extend the Bureau of Prisons pilot project and included support for our Tribal Access Program, which will help us expand that opportunity to more Tribes.

In our review, we noted a recurring effort to improve data collection and information sharing. The Department is unequivocally in favor of efforts to improve collection of and access to data whenever we can do so without harming victim confidentiality or jeopardizing an investigation. We are working internally to find immediate opportunities for improvement. And we will continue to work with our partner agencies, with Tribes, and with your staffs on data collection and information sharing issues.

The Department is actively engaged in efforts to address the specific challenges described in the bills and is committed to working with Congress, other federal agencies, and Tribes to more effectively address them. We seek, whenever possible, to expand Tribes' opportunities for funding, training, and technical assistance. Our partnerships with Tribes and with other agencies active in Indian country are an integral part of our daily work, which we continually review to ensure that our work is productive and focused on the needs of the Tribes.

While we have further to go, we are far ahead of many nations in recognizing and protecting the rights of native peoples. Around the world, indigenous peoples are marginalized, exploited, or threatened with death—denied basic human rights, women abused, indigenous cultures destroyed, languages lost. With your continued leadership, the United States can lead by example to promote and protect the inherent rights of indigenous people. Recently, missing and murdered indigenous women was a topic of discussion during a June meeting of the Attorneys General for the U.S., Canada, Mexico, United Kingdom, New Zealand and Australia. In that meeting, Attorney General Sessions voiced support for the creation of a working group that would allow us to expand our partnerships in addressing this grievous issue.

As indicated earlier, the Department of Justice fully supports the goals of these three bills. The bills under discussion today are clearly intended to spur further progress, specifically in support of law enforcement, in providing effective services to victims of crime, and in shedding light on the tragic number of missing and murdered individuals in Indian country. The Department's review of the bills is ongoing; some offices have already reached out to discuss

some of the technical aspects of the bills, and we welcome the opportunity to continue working with your staffs to refine language.

We have made great progress, but we know we have a ways to go before we reach our shared goal of achieving lasting public safety in Indian country. We appreciate the efforts by this Committee to ensure that legislation affecting Native communities puts Federal, State, and Tribal agencies in the best possible position to overcome barriers to public safety. Thank you again for the opportunity to appear before you today. Thank you also for the opportunity to share with you some perspective from the United States Attorney's Office in the Northern District of Oklahoma. I am happy to answer any questions you may have.