

Senate Committee on Indian Affairs Oversight Hearing
March 20, 2019, Bismarck ND
Testimony of Attorney General Wayne Stenehjem

1. ND Human Trafficking Task Force (NDHTTF).

As field experiences have shown, there is a very strong relation between narcotics trafficking and human trafficking crimes. The Human Trafficking task force was established under a cooperative grant between the United States Attorney's Office (USAO), the North Dakota Bureau of Criminal Investigation (NDBCI), and the ND Council on Abused Women's Services (ND CAWS). The task force has focused on tribal relations, forming a subcommittee on Indian Affairs. The committee's Executive Board was expanded to include Sandra Bercier of the First Nations Women's Alliance of Devils Lake, ND.

2. ND Internet Crimes Against Children (ND ICAC)

BCI is the statewide coordinator of the Bureau of Justice Assistance's (BJA) ICAC program. The ICAC program has expanded to multiple municipal, county, state and federal agencies to expand ICAC response through affiliate involvement. The ICAC initiative has worked with tribal jurisdictions to offer ICAC training and make tribal and federal jurisdictions ICAC affiliate agencies. ICAC has also disseminated DVDs containing Cyber Safety information and NetSmartz tools, aimed at educating children on appropriate internet use and online safety practices.

The ICAC initiatives continue to support narcotics investigations on both State and Tribal lands as various records for narcotics investigations are retained and disseminated on electronic media.

3. 24/7 Sobriety Program.

BCI is the statewide coordinator of the state's 24/7 Sobriety Program. Participants on the 24/7 program are commonly suffering from addictions to alcohol and illegal and illicit drugs.

BCI has been working with the Standing Rock Sioux Tribe on a tribal pilot program based on the 24/7 sobriety program. BCI has donated several preliminary breath test (PBT) devices along with (10) SCRAM bracelets for transdermal testing to Standing Rock to begin the program. BCI is in negotiations with the Mandan Hidatsa Arikara (MHA) Nation to introduce 24/7 gear to the Three Affiliated Tribes (TAT).

4. Metro Area Narcotics Task Force (MANTF):

The MANTF is a multi-jurisdictional drug task force coordinated out of the Bismarck BCI field office. The MANTF has historically been the only task force in ND that was designated as a Federal Bureau of Investigation (FBI) Safe Trails Task Force (approximately 2005-2008). MANTF has continued to involve the Bureau of Indian Affairs (BIA) as a participating partner and has had a BIA special agent assigned to the

MANTF since approximately 2005. The primary function of this specialized unit is the enforcement of drug laws across the entire state, including on Tribal lands.

This relationship has led to productive narcotics investigations and the identification of multiple drug trafficking organizations (DTO's) on and off tribal lands. BIA is planning on placing two BIA special agents at the MANTF.

5. Lake Region Narcotics Task Force (LRNTF)

The multi-jurisdictional drug task force is coordinated out of the Devils Lake BCI field office. The task force has worked with BIA and the Spirit Lake Tribe for approximately 20 years, and BIA special agents have been assigned to the task force. The task force conducts investigations to identify, disrupt and dismantle drug trafficking organizations operating on state and tribal lands.

6. Midwest High Intensity Drug Trafficking Areas (HIDTA) Program:

BCI is the state coordinator for the Midwest HIDTA program through the Office of National Drug Control Policy (ONDCP). Through Midwest HIDTA, NDBCI has received \$30,000 in grant funds to allocate to tribal narcotics investigations. BCI has coordinated with the MHA Department of Public Safety and has plans to provide the grant funds for agent overtime and narcotics buy funds for the MHA Drug Enforcement, to assist in the efforts to detect, disrupt and dismantle tribal drug trafficking organizations. BCI hopes to be able to apply for continued allocated grant funds in coming years.

7. State and Tribal Protection Orders:

This office is currently working on a statewide program that will allow state and tribal protection orders to be shared and enforced in both State and Tribal courts. This shared database system is a landmark initiative that will protect tribal and state victims of domestic violence, regardless of the jurisdiction of the victim.

8. Sex Offender Registration:

This office, through the BCI's Sex Offender Registration Division, works with tribal agencies to identify, classify and monitor individuals convicted of a sexual offense or crimes against children. Various tribal nations have worked on their tribal laws to mirror the numerous offenses already established in the state law. BCI works with tribal sex offender registration groups to share current State tracking tactics, offender assessment tools (ND Sex Offender Registration Assessment Committee – SORAC) and offender databases (such as the Tribal Sex Offender Registration (TSOR) program related to compliance with the Sex Offender Registration Notification Act (SORNA).

9. Through current ND Century Code (12-60), NDBCI is assigned to be proactive in narcotic's investigations and reactive in criminal investigations. This legislative authority has allowed NDBCI to participate in/oversee (10) Multi-jurisdictional Drug Task Forces across the State. NDBCI assists all five designated tribes and their law enforcement agencies with any narcotics and criminal investigations requested. NDBCI continues to

work to maintain and expand upon the professional relationships the NDOAG has with all Tribal governments.

10. My office has been working with Representative Ruth Buffalo in support of two bills she introduced this legislative session, relating to missing and murdered indigenous people. The bills seek to provide assistance and tools for use by state, local, federal, and tribal efforts in these multijurisdictional investigations.

House Bill 1311 authorizes the Attorney General's Human Trafficking Commission to provide training to state's attorneys, the ND POST Board and state and local law enforcement agencies addressing the unique aspects of these investigations. That bill passed the House last month and is scheduled for a senate committee hearing today (March 20).

House Bill 1313 seeks to fill a void by authorizing my office to create and implement a statewide repository for state, local, and tribal law enforcement agencies to enter demographic information about missing persons. The bill passed the House last month and the Senate committee heard the bill yesterday morning (March 19).

Recommendations for continued narcotics success for Tribal Governments:

1. BIA could assign special agents to NDBCI's established local task forces. With the geography of the current Tribal Nations within the State, BIA criminal investigators could be placed at the following units:
 - a. Bismarck: Metro Area Narcotics Task Force (currently slated for (2) BIA Criminal Investigators). Coordinate with **Standing Rock Sioux Nation**.
 - b. Minot: Ward County Narcotics Task Force. Coordinate with the **MHA Nation** and **Turtle Mountain Indian Reservation**.
 - c. Washburn: South Sakakawean Narcotics Task Force. Coordinate with the **MHA Nation**.
 - d. Williston: Williams County Narcotics Task Force. Coordinate with **Trenton Tribal Lands**.
 - e. Devils Lake: Lake Region Narcotics Task Force. Coordinate with **Spirit Lake Nation** and **Turtle Mountain Indian Reservation**.
 - f. Grand Forks: Grand Forks Narcotics Task Force. Coordinate with **Spirit Lake Sioux Nation**.
 - g. Wahpeton: South East Multi-County Agency (SEMCA) Task Force. Coordinate with the **Sisseton Wahpeton Oyate of the Lake Traverse Reservation**.
2. Reestablish and expand the Native American Drug Task Force in Belcourt. This unit historically has existed at various times, depending on manpower and Tribal involvement. This unit should be coordinated as a State Drug Task Force to ensure State, Local and Tribal involvement is maintained, and an Executive Board would be created to ensure this oversight. This would require the funding of an NDBCI agent to act at the Task Force Coordinator or Assistant Task Force Coordinator of the unit.

3. Reestablish a FBI Safe Trails Task Force Initiative to coordinate tribal narcotics efforts through existing state task forces. This role would be **administrative** in nature and could consist of one FBI agent coordinating Tribal narcotics efforts and acting as the State Coordinator of Tribal investigative efforts. This person would work directly with the State Task Force Coordinators and the BIA representatives assigned to those task forces. A previous attempt at an FBI Safe Trails Task Force Initiative in ND (MANTF in Bismarck from 2005 to 2008) stalled because of limited investigative resources and personnel, which also reduced the geographic scope of operational responses. To overcome these issues, the FBI Safe Trails Initiative should offer vehicles and overtime funding to BIA and FBI personnel who are assigned to a state task force, which will aid effective responses in the areas of Tribal Nations and connection with state task force assets.