



# DEPARTMENT OF JUSTICE

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**STATEMENT**

**OF**

**MARTY J. JACKLEY  
UNITED STATES ATTORNEY  
FOR THE DISTRICT OF SOUTH DAKOTA**

**BEFORE THE**

**COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE**

**ENTITLED**

**“OPERATION DAKOTA PEACEKEEPER”**

**PRESENTED ON**

**AUGUST 4, 2008**

**WRITTEN STATEMENT OF MARTY J. JACKLEY  
UNITED STATES ATTORNEY FOR THE  
DISTRICT OF SOUTH DAKOTA  
DEPARTMENT OF JUSTICE  
Before the  
Senate Committee on Indian Affairs  
hearing entitled  
“Operation Dakota Peacekeeper”  
presented on  
AUGUST 4, 2008**

Chairman Dorgan and Members of the Committee: The Department of Justice (the “Department”) appreciates the opportunity to provide testimony to the Committee regarding Operation Dakota Peacekeeper. I am Marty Jackley, and it is my privilege to serve as the United States Attorney for the District of South Dakota.

The Department understands the importance and the challenges of combating crime and violence in and around our Indian communities. The President and the Attorney General are committed to working with tribal, state, and local law enforcement, the Department of the Interior, and others, to provide public safety and security for people living in Indian Country.

The South Dakota US Attorney’s Office has the critical responsibility of prosecuting major crimes and federal offenses occurring within our nine reservations. Twenty of our twenty-eight assistant US attorneys are designated as criminal prosecutors who serve South Dakota’s reservations from three offices located throughout the state.

Our office has historically demonstrated a strong commitment to improving public safety in Indian Country. Generally, 50-65% of our criminal prosecutions involve incidents occurring within Indian Country.

In addition, our office and the United States Attorney's Office in the District of North Dakota have both designated Assistant US Attorneys (AUSA) to serve as the primary prosecutor and tribal liaison for each reservation. The close working relationships which develop between these AUSAs, their tribal counterparts, and other law enforcement officials have yielded many successful prosecutions and have had a tangible effect upon improving public safety.

The AUSAs assigned to specific reservations also organize and lead meetings of multi-disciplinary teams, or MDTs. These MDTs meet monthly to discuss potential or pending criminal sexual abuse cases involving some of the most vulnerable victims in our society.

On May 14, 2008, Secretary of the Interior Dirk Kempthorne introduced "Operation Dakota Peacekeeper" (the "Operation") in an effort to strengthen the law enforcement presence in the Standing Rock Sioux Reservation communities. The Operation was a rapid response to escalating criminal activity on the reservation, which already has a rate of violent crime that is approximately six times the national average.

The first of three phases of the Operation commenced on June 2, 2008, when fifteen patrol officers and five criminal investigators reported to the Standing

Rock Reservation. Completion of Phase II on July 25, 2008, demonstrated impressive initial success which included 1,004 total arrests. This represents roughly a fivefold increase in arrests from the reservation's average monthly total of 109 arrests. Most of the arrests during Phases I and II of the Operation involved juveniles and misdemeanor alcohol-related offenses. Main Justice and the US Attorneys' Offices are committed to the prosecution of federal criminal violations referred as a result of the Operation.

Perhaps the Operation's true success is best demonstrated by the outpouring of community support. Standing Rock residents are grateful for the increased law enforcement presence and community outreach. Operation officials have conducted 16 public meetings, centered upon public education and increased involvement in public safety, neighborhood watch programs, and controlled substance prevention. Officers have also utilized the Pow Wow celebrations as an additional opportunity to increase public awareness for resources such as child protection services.

Even with the early success of the Operation, areas for improvement remain as we seek to sustain enhanced public safety for all of our Indian communities. Coordination and communication are essential and involve all of the law enforcement agencies operating in and around reservations. This includes state, federal, and tribal officers whose cooperation is critical to neutralizing the efforts of many criminals who seek to exploit jurisdictional

differences by moving in and out of Indian Country. In addition, cross-deputization for officers, when practical, may create more efficient utilization of law enforcement resources and serve as a force-multiplier when dealing with Indian and non-Indian offenders. Planners should also proceed cautiously in relying upon law enforcement resources from other reservations to support the operation. Ultimately, long-term planning is necessary to ensure the success of any operation such as the one underway on the Standing Rock Reservation.

To assist in the continued success of the Operation and as part of our commitment to public safety in Indian Country, our US Attorney's Office has developed a strategy which features three components:

- (1) joint Special Law Enforcement Commission (SLEC) training;
- (2) training for tribal prosecutors; and
- (3) expansion of the Northern Plains Safe Trails Drug Task Force led by the Federal Bureau of Investigation (FBI).

Under the SLEC program, we have partnered with the Department of Interior, Bureau of Indian Affairs to provide training to tribal, state, and local officers on certain aspects of federal criminal law. The SLEC program provides qualified officers with limited liability protections and expands arrest authority to include federal crimes committed by Indians and non-Indians. In June, our office joined with the Colorado US Attorney's Office and the BIA to train approximately 40 officers interested in obtaining SLECs.

On August 13<sup>th</sup>, our office will join members of the South Dakota Attorney General's Office and tribal prosecutors for training designed to improve courtroom advocacy. The meeting will also provide a valuable opportunity to renew personal relationships and enhance cooperative law enforcement efforts.

Finally, the Safe Trails Drug Task Forces in both North Dakota and South Dakota have a track record of proven success and represent inter-agency cooperation at its best. The South Dakota Task Force is a past recipient of the National Indian Country Law Enforcement Achievement award for its exceptional efforts in Indian Country. Earlier this year, a Task Force investigation concerning a large-scale drug conspiracy operating in and around the Standing Rock Reservation led to federal convictions for all 32 defendants indicted. Our office has supported the expansion of the Safe Trails Task Force by assigning it a full-time AUSA and a special assistant US attorney (SAUSA). The Safe Trails Drug Task Force operating in North Dakota has had similar success and aggressively pursues drug cases on Indian reservations without regard to drug quantities.

I want to thank the Committee for the opportunity to discuss these issues today. We appreciate the opportunity to work with the Committee to improve the safety and security of all those who live in and around Indian Country.