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United States General Accounting Office

Report to the Chairman, Special
Committee on Investigations, Select
Committee on Indian Affairs, U.S. Senate

February 1989

INDIAN AFFAIRS
Information on Major
Crimes on Three
Montana Reservations



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February 15, 1989

The Honorable Dennis DeConcini
Chairman, Special Committee on
Investigations
Select Committee on Indian Affairs
United States Senate

Dear Mr. Chairman:

This report responds to former Senator Melcher's February 25, 1988, request that we examine unresolved "major crimes"¹ on Montana Indian reservations. We are providing this report to you because of your interest and work in this area.

In discussions with Senator Melcher's office, we agreed to obtain information on (1) the law enforcement policies and practices followed by the Bureau of Indian Affairs (BIA), the Federal Bureau of Investigation (FBI), and the U.S. Attorney's Office in the investigation and prosecution of major crimes on the Blackfeet, Fort Peck, and Northern Cheyenne Indian reservations; (2) the number of major crimes reported, investigated, referred for prosecution, and prosecuted categorized by Indian and non-Indian identity; and (3) the training requirements for BIA law enforcement employees.

Results in Brief

In summary, we determined the following:

- The Attorney's Office issues guidelines delineating BIA's and FBI's responsibilities for investigating and referring major crimes. BIA and FBI have established policies or practices for reporting major crimes. The general practice of the Attorney's Office is to accept those cases likely to result in convictions.
- Of the 337 major crimes reported on the three reservations in 1985, all were investigated; 152 were referred for prosecution; 55 were prosecuted; and 47 resulted in convictions. We focused on crimes committed in 1985 because it was the latest year for which it was likely that prosecuting authorities would have completed actions against suspects.

¹The "Major Crimes Act" (18 U.S.C. 1153) cites a number of offenses as being within federal jurisdiction when an Indian commits the offense against the person or property of another Indian or other person and the offense is committed on an Indian reservation. These felonies range in seriousness from burglary to rape and murder. Under 18 U.S.C. 1152, the same offenses are within federal jurisdiction when committed by a non-Indian against an Indian on a reservation.

- BIA law enforcement employees are required to take a specific course when they are newly hired, appointed, or promoted and at least 40 hours of in-service training annually. Not all training requirements were met.

Policies and Practices

The Attorney's Office issues guidelines that delineate BIA's and FBI's responsibilities for investigating and referring for prosecution major crimes committed on Indian reservations in Montana. BIA and FBI have established their own policies or practices for reporting. BIA requires three reports for each crime: one to initially record the crime, another to more fully explain the circumstances of the case, and a third to close the case after all actions have been completed. According to an FBI special agent, the FBI opens case files and submits prosecutive summary reports or memorandums of testimonial evidence to the Attorney's Office at its request.

The United States Attorneys' Manual describes the applicability of federal laws and federal jurisdiction for prosecuting major crimes that occur on Indian reservations, but it does not contain specific written policies for accepting or declining cases for federal prosecution. The U.S. Attorney for Montana stated that the practice is generally to accept those cases likely to result in convictions. Most of the 1985 major crime cases accepted for prosecution resulted in convictions. (See apps. I and VIII.)

Major Crime Statistics

Our review of BIA, FBI, and the Attorney's Office documentation showed that 337 major crimes were committed on the three reservations during 1985. Of these major crimes, 64 percent involved the loss of property (e.g., burglary and arson); 21 percent were assaults or kidnapping; 11 percent were of a sexual nature (e.g., rape and involuntary sodomy); and 4 percent involved death (i.e., murder and manslaughter).

Of these major crimes, Indian suspects were involved in 183 and non-Indian suspects in 16; the identity of the remaining 138 suspects was unknown or not documented. BIA investigated 220 of the crimes, the FBI investigated 16, and they jointly investigated 101. A total of 152 major crimes were referred to the Attorney's Office for prosecution. The remaining 185 crimes were not referred: 109 because of lack of evidence, leads, or suspects; 13 because BIA referred them to tribal court; 7 because the victims either dropped charges or refused to testify; and 4

because of miscellaneous reasons. The reason for nonreferral was not documented in 52 cases.

The Attorney's Office accepted 55 of the 152 major crimes referred for prosecution. Fifty of these involved Indian suspects, and 5 involved non-Indian suspects. The Attorney's Office declined to prosecute the remaining 97 major crimes for reasons such as insufficient evidence or the availability of comparable or quicker tribal court remedies. Of the 55 major crimes prosecuted, 47 resulted in convictions, 4 were dismissed, 2 resulted in not guilty verdicts, and 2 resulted in pretrial diversions.² (See apps. II, VI, and VII.)

Law Enforcement Training

Title 25 of the Code of Federal Regulations sets forth two training requirements—minimum and annual—for BIA law enforcement employees. The minimum requirement is that newly hired, appointed, or promoted BIA patrol officers, supervisory enforcement officers, criminal investigators, and supervisory criminal investigators successfully complete a course specifically designed for each position. If the employee does not successfully complete the course, the employee is to be transferred to a different position and perhaps demoted.³ For the three reservations, 30 of the 34 BIA officers and investigators employed at the time of our review met the minimum training requirement. BIA officials plan to have the other four complete the required training. The annual requirement is that BIA officers and investigators receive at least 40 hours of in-service training to meet training needs determined by tribes and to keep abreast of developments in the law enforcement field. Title 25 does not cite any consequences for not receiving this in-service training. For two reservations, 11 of the 25 BIA officers and investigators employed during 1987⁴ received 40 or more hours of annual in-service training, 8 received 30 to 40 hours, and 6 received less than 30 hours. For the third reservation, officials did not provide training records. (See app. III.)

²According to the U.S. Attorney, a pretrial diversion occurs when a suspect acknowledges guilt before a trial and is informally placed on probation.

³Patrol officers who fail to complete this training may also be discharged.

⁴We examined 1987 in-service training records because they were the most current records available. The number of employees in the in-service training analysis differs from that in the minimum training analysis because of the different time periods used in the analyses.

We obtained information for this report from BIA area office officials, procedure manual, memorandums, and case files in Billings, Montana. We also obtained 1985 major crimes files and 1987 training information from BIA agency officials on the three reservations. As agreed with Senator Melcher's office, the scope of our work was not designed to reach conclusions or make recommendations. We conducted our review from March through September 1988. See appendix V for additional details on our scope and methodology.

Appendix IV contains demographic and geographic information relevant to law enforcement on the three reservations, as requested by Senator Melcher. We further agreed to obtain the views of selected individuals on the extent of unresolved major crimes. We are providing these views to Senator Melcher under separate cover.

As Senator Melcher requested, we did not obtain official agency comments on a draft of this report. However, we sought the views of responsible agency officials during our work and incorporated those views where appropriate.

Unless you publicly announce its contents earlier, we plan no further distribution of this report until 5 days from the date of this letter. At that time, we will send copies to interested parties. We will also make copies available to others upon request.

Major contributors to this report are listed in appendix IX.

Sincerely yours,



David A. Hanna
Regional Manager

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Abbreviations

BIA	Bureau of Indian Affairs
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
IPA	Indian Police Academy

Policies and Guidance Applicable to Major Crimes on Indian Reservations

Crimes committed on the three Indian reservations are under the jurisdiction of federal, state, or tribal courts depending on the identity of the victims and suspects (i.e., Indian or non-Indian) and the seriousness of the offenses. Title 18, Chapter 53 of the U.S. Code covers crimes committed on Indian reservations and involving Indians. Generally, crimes subject to federal jurisdiction under this chapter include Indian against Indian crimes, Indian against non-Indian crimes, and non-Indian against Indian crimes. Non-Indian against non-Indian crimes are subject to state jurisdiction. In 1985, 18 U.S.C. 1153, referred to as the "Major Crimes Act," named 16 crimes subject to federal jurisdiction.¹ The major crimes were murder; manslaughter; assault with intent to commit murder; assault with a dangerous weapon; assault resulting in serious bodily injury; maiming; rape; assault with intent to commit rape; carnal knowledge of any female, not his wife, who has not attained the age of 16 years; incest; involuntary sodomy; kidnapping; arson; burglary; robbery; and a felony under section 661.²

Crimes are generally classified as either felonies or misdemeanors. A felony is a serious offense, generally punishable by imprisonment in a penitentiary or state prison for 1 year or more or death. A misdemeanor is a less serious offense and is generally punishable by fine or imprisonment of less than 1 year. Table I.1 identifies who has jurisdiction over major crimes and nonmajor crimes committed by Indians and non-Indians on the three reservations.

Table I.1: Criminal Jurisdiction Over Offenses Committed on the Three Reservations

Identity of suspect	Identity of victim	Type of offense	Criminal jurisdiction
Indian	Indian	Major crimes	Federal
Indian	Non-Indian	Major crimes	Federal
Non-Indian	Indian	Any offense	Federal
Non-Indian	Non-Indian	Any offense	State
Indian	Indian	Nonmajor crimes	Tribal
Indian	Non-Indian	Nonmajor crimes	Tribal

Source: U.S. Attorney for the State and District of Montana, Billings, Montana, and 18 U.S.C. 1152 and 1153.

According to the U.S. Attorney, major crimes are under federal jurisdiction, but these offenses can be tried in a lower court, such as tribal

¹In 1986, 18 U.S.C. 1153 was amended. It still includes 12 of the crimes named above, but 4 of the 5 sexual offenses, along with several others not previously covered, were included in 18 U.S.C. 1153 by reference to Chapter 109A of Title 18.

²Section 661 refers to larceny and theft.

court, after having been reduced to misdemeanor offenses. He stated that the applicable court prosecutors must reduce the offense to a misdemeanor charge before prosecuting. For example, a major crime of "assault with a deadly weapon" must be reduced to a misdemeanor charge of "assault" before being prosecuted in a lower court.

Guidelines for Investigating and Referring Major Crimes

The Attorney's Office issues guidelines that delineate BIA's and FBI's responsibilities for investigating and referring major crimes. The guidelines in effect in 1982 (and still in effect in 1988 but amended by the changes cited below) state that BIA special officers (criminal investigators and supervisory criminal investigators) are responsible for investigating and referring to the Attorney's Office where appropriate (1) cases involving theft, larceny, and burglary of less than \$1,000; (2) assaults that did not require hospitalization of the victim, except assault on a federal officer; (3) rape and other sex crimes where the victim was not hospitalized; and (4) arson with property damage of less than \$1,000. BIA special officers have the option of requesting FBI investigative assistance.

According to the guidelines, FBI agents will investigate and refer all federal crimes normally investigated by the FBI on or off the reservation; the FBI also investigates and refers all death matters, robbery, all types of fraud, embezzlement, and white-collar crimes that occur on the reservation. These guidelines also state that the FBI may investigate cases normally under BIA responsibility if deemed necessary. In March 1985, the Attorney's Office amended the guidelines applicable to the FBI to include all cases of child and sexual abuse which could be prosecuted as major crimes, regardless of whether there was hospitalization. In August 1985, the Attorney's Office wrote BIA Area Special Officer in Billings, Montana, stating that BIA special officers are responsible for determining whether to refer cases to either federal district or tribal court. According to the memorandum, the purpose for having BIA special officers make this determination was to preclude BIA from referring the same case to both tribal court and federal district court. The memorandum stated that this procedure was not meant to discourage BIA special officers from taking minor felony offenses to tribal court.

In November 1985, the Attorney's Office initiated, on a 6-month trial basis, revised guidelines giving BIA special officers on the Northern Cheyenne reservation responsibility for investigating and referring theft, larceny, and burglary cases involving up to \$5,000 (changed from the original \$1,000). The FBI retained responsibility for investigating and

referring theft, larceny, and burglary cases of \$5,000 or more for this reservation. In January 1987, the Attorney's Office made the change permanent and extended the revision to the Blackfeet and Fort Peck reservations.

Two other policy changes were made in late 1987. In a November 1987 memorandum, the Attorney's Office recommended that BIA special officers refer to tribal court prosecutable criminal cases that the Attorney's Office declined for federal prosecution. Finally, in December 1987, the Attorney's Office prescribed a BIA and FBI team approach for investigating all child abuse cases occurring on Indian reservations in Montana.

BIA Policies and Practices for Documenting Major Crimes

Current policies, as set forth in BIA Indian Affairs Manual and subsequent memorandums from BIA Area Office in Billings, Montana, require officers to prepare three reports for major crimes: (1) a 3-day advance notice form, (2) a case report, and (3) a final disposition report. These policies were also in effect in 1985. (See app. VIII for statistics on 1985 BIA reports.)

Three-Day Advance Notice Form

The 3-day advance notice form is used to initially record a crime. The form's name stems from Area Office policies that require BIA special officers to mail copies of the completed form to BIA within 3 working days from the date the offense becomes known. The form is sent to BIA Area Special Officer in Billings, Montana, and FBI Special Agent-in-Charge in Butte, Montana. Information on the form includes the type and date of the offense, the names of the victim(s) and the suspect(s), the details surrounding the case, and the name of the officer preparing the form.

Case Report

The case report contains information explaining the circumstances surrounding a violation, such as who was injured, what crime was committed, when the crime took place, why the crime was committed, where the crime took place, and how the crime was accomplished. Before May 1985, BIA required a completed case report for each major crime accepted for prosecution by the Attorney's Office. However, in May 1985, BIA Area Director began requiring a case report on each major crime BIA special officers reported and investigated, regardless of whether the case was referred to the Attorney's Office for prosecutive opinion. Completed case reports are sent to BIA Area Office and to the

Attorney's Office in Billings, Montana, if they are accepted for federal prosecution.

Final Disposition Report

The final disposition report documents BIA's closure of a major crime file. It is sent to BIA Area Office in Billings, Montana. The report contains information, such as the suspect's plea, the trial date, the verdict or sentence received, and other relevant comments, such as reasons for nonreferral to or declination by the Attorney's Office.

FBI Policies and Practices for Documenting Major Crimes

The FBI Manual of Investigative Operations and Guidelines has a section covering crimes on Indian reservations, but it does not require any special reports. However, according to an FBI supervisory special agent in Butte, Montana, whom FBI headquarters designated as our contact for this review, the FBI has practices for documenting the crimes it investigates. He stated that the FBI documents major crimes in case files with written evidence, such as witness statements, gathered during investigations. He said the FBI also prepares prosecutive summary reports or letterhead memorandums for the Attorney's Office upon request from the Attorney's Office. The prosecutive summary report documents investigations of major crimes, and the letterhead memorandum documents the testimonial evidence available from witnesses, according to the agent.

Attorney's Office Policies and Practices for Prosecuting Major Crimes

Major crimes committed on Indian reservations are within federal jurisdiction (18 U.S.C. 1153). The United States Attorneys' Manual describes the applicability of federal laws and federal responsibility for prosecuting major crimes that occur on Indian reservations. However, this manual does not contain specific policies for accepting or declining major crimes for federal prosecution. According to the U.S. Attorney, the Attorney's Office practice is to generally accept cases that will result in a conviction. Most of the major crime cases accepted for prosecution resulted in convictions.

Major Crime Statistics

BIA and FBI recorded and investigated a total of 403 alleged major crimes in calendar year 1985 on the Blackfeet, Fort Peck, and Northern Cheyenne reservations. Of this total, 337 crimes fit the definition of a major crime.¹ Of the remaining 66 crimes, we determined that 48 crimes did not fit the definition, and we were unable to determine if 18 were major crimes because of a lack of documentation. We excluded these 66 crimes from our analysis. Of the 337 major crimes, BIA recorded and investigated 220, BIA and FBI jointly recorded and investigated 101, and the FBI recorded and investigated the remaining 16 major crimes. Table II.1 shows the number of offenses recorded, the investigating agency, and the type of major crime.

Table II.1: Major Crimes Recorded and Investigated in 1985

Type of major crime	Recorded offenses		Number recorded/ investigated by:		
	Number	Percent	BIA	FBI	BIA/FBI
Burglary	119	35.3	97	4	18
Larceny/theft	73	21.7	54	6	13
Assault with a dangerous weapon	48	14.2	30	2	16
Rape	24	7.1	10	1	13
Assault resulting in serious bodily injury	20	5.9	7	0	13
Arson	20	5.9	15	0	5
Carnal knowledge	9	2.7	4	2	3
Manslaughter	7	2.1	0	0	7
Murder	6	1.8	0	0	6
Involuntary sodomy	4	1.2	1	1	2
Robbery	3	0.9	1	0	2
Kidnapping	2	0.6	1	0	1
Assault with intent to commit murder	2	0.6	0	0	2
Assault with intent to commit rape	0	0.0	0	0	0
Incest	0	0.0	0	0	0
Maiming	0	0.0	0	0	0
Total	337	100.0	220	16	101

¹We included 57 crimes that met the criteria for a major crime as cited in 18 U.S.C. 1153 except that it was unknown whether an Indian was involved as a victim and/or a suspect. We included these cases because the agencies tentatively categorized them as major crimes.

Major Crimes Referred to the Attorney's Office

BIA and FBI referred 152 of the 337 major crimes investigated to the Attorney's Office for prosecution: BIA referred 59 of the 220 major crimes it investigated, and the FBI referred 14 of the 16 major crimes it investigated. The agencies referred 79 of the 101 major crimes they jointly investigated.² Table II.2 shows the number and percent of offenses referred to the Attorney's Office for prosecutive opinion.

Table II.2: Major Crimes Referred to the Attorney's Office in 1985

Type of major crime	Total offenses	Offenses referred	
		Number	Percent
Burglary	119	35	29
Larceny/theft	73	28	38
Assault with a dangerous weapon	48	31	65
Rape	24	17	71
Assault resulting in serious bodily injury	20	13	65
Arson	20	2	10
Carnal knowledge	9	4	44
Manslaughter	7	7	100
Murder	6	6	100
Involuntary sodomy	4	3	75
Robbery	3	2	67
Kidnapping	2	2	100
Assault with intent to commit murder	2	2	100
Total	337	152	45

Table II.3 lists the reasons why BIA and/or FBI did not refer the remaining 185 major crimes to the Attorney's Office.

²These crimes were jointly investigated but were referred by either BIA or FBI.

**Appendix II
Major Crime Statistics**

Table II.3: Reasons for Nonreferral of Major Crimes to the Attorney's Office in 1985

Reason	Major crimes not referred	
	Number	Percent
No evidence, leads, or suspects	109 ^a	58.9
Referred to/handled in tribal court	13	7.0
Victim dropped charges/refused to testify	7	3.8
Could not locate victim/witness problem	2	1.1
Other	2	1.1
Unknown ^b	52	28.1
Total	185^a	100.0

^aIncludes two cases investigated solely by FBI. The remaining cases were investigated by BIA or jointly by BIA and FBI.

^bThe reason for nonreferral was not contained in the criminal case files.

Major Crimes Accepted and Declined for Prosecution

The Attorney's Office accepted 55 of the 152 major crimes referred: 8 from BIA, 3 from FBI, and 44 from those BIA and FBI jointly investigated. Table II.4 shows the type and number of major crimes referred and accepted for prosecution.

Table II.4: Major Crimes Accepted for Prosecution by the Attorney's Office in 1985

Type of major crime	Offenses referred	Accepted for prosecution	
		Number	Percent
Burglary	35	12	34
Larceny/theft	28	9	32
Assault with a dangerous weapon	31	7	23
Rape	17	6	35
Assault resulting in serious bodily injury	13	5	39
Arson	2	0	0
Carnal knowledge	4	2	50
Manslaughter	7	6	86
Murder	6	5	83
Involuntary sodomy	3	1	33
Robbery	2	0	0
Kidnapping	2	0	0
Assault with intent to commit murder	2	2	100
Total	152	55	36

Of the 152 major crimes referred, the Attorney's Office declined to prosecute 97. Table II.5 shows the reasons why and the frequency with which a reason was cited for declining to prosecute a major crime. Of the

**Appendix II
Major Crime Statistics**

cases declined, BIA investigated 51; the FBI, 11; and BIA and FBI, 35. The Attorney's Office cited more than one reason for declining 34 major crimes; as a result, the table shows 134 reasons that apply to the 97 major crimes.

Table II.5: Reasons Why the Attorney's Office Declined Major Crimes in 1985

Reason	Total occurrences	
	Number	Percent
Minimal federal interest or no deterrent value ^a	28	20.9
Witness problems ^b	23	17.2
Weak or insufficient evidence	21	15.7
Suspect to be prosecuted by other authorities	14	10.5
Juvenile suspect ^c	11	8.2
Civil, administrative, or other disciplinary alternatives	8	6.0
Staleness ^d	7	5.2
Lack of criminal intent	5	3.8
Suspect being prosecuted on other charges	3	2.2
No federal offense committed	2	1.5
No known suspect	2	1.5
Offender's health, age, prior record, etc.	2	1.5
Suspect serving sentence on other charges	1	0.7
Suspect deceased	1	0.7
Restitution made or being made	1	0.7
Petite policy ^e	1	0.7
Unknown	4	3.0

^aThe U.S. Attorney stated that this reason applies to cases that do not justify being prosecuted in federal court because tribal court remedies are comparable or quicker.

^bThe U.S. Attorney stated that in most of these cases the witness was the victim and was reluctant to testify or have the case prosecuted.

^cAccording to the U.S. Attorney, federal rules state that no juvenile suspect should be prosecuted in federal court if the juvenile can be prosecuted in a lower court.

^dThe U.S. Attorney stated there are no criteria for this reason; however, our analysis showed that all of these cases occurred several months prior to being presented to the Attorney's Office for prosecution.

^eAccording to the U.S. Attorney, the Petite policy states that a suspect should not be prosecuted on the same charge in both federal and tribal court with the same facts and evidence.

Outcomes of Major Crimes Prosecuted

The Attorney's Office obtained convictions for 47 of the 55 major crimes prosecuted (see table II.6). Of the convictions obtained, 6 pertained to BIA investigations, 2 to FBI, and 39 to BIA and FBI.

Appendix II
Major Crime Statistics

Table II.6: Major Crime Prosecutions Resulting in Convictions in 1985

Type of major crime	Offenses prosecuted	Offenses that received a conviction	
		Number	Percent
Burglary	12	11	92
Larceny/theft	9	7	78
Assault with a dangerous weapon	7	5	71
Rape	6	5	83
Assault resulting in serious bodily injury	5	5	100
Carnal knowledge	2	2	100
Manslaughter	6	4	67
Murder	5	5	100
Involuntary sodomy	1	1	100
Assault with intent to commit murder	2	2	100
Total	55	47	85

The Attorney's Office did not obtain convictions in 8 of the 55 major crime cases prosecuted. Of these, four cases (one burglary, one larceny, one manslaughter, and one rape) were dismissed; two cases (one assault with a dangerous weapon and one manslaughter) resulted in not guilty verdicts; and two cases (one assault with a dangerous weapon and one larceny) resulted in pretrial diversions.

Identity of Victims and Suspects in Major Crimes

Most of BIA and FBI major crime files identified victims and suspects as either Indians or non-Indians. When the file did not show whether the victim or suspect was an Indian or non-Indian, we categorized it as "unknown" (see table II.7).

Table II.7: Number of 1985 Major Crime Cases That Involved an Indian or Non-Indian

Identity	Victims Number of Cases	Suspects Identity and Number of Cases			Total
		Indian	Non-Indian	Unknown	
Indian	227	130	16	81	227
Non-Indian	88	38	^a	50	88
Unknown	22	15	0	7	22
Total	337	183	16	138^b	337

^aNon-Indian against non-Indian crimes were not included in our analysis.

^bIn nine cases, the suspect was identified by name, but not as an Indian or non-Indian. For the remaining 129 cases, neither the name nor the identity of the suspect was known.

Disposition of Cases by Identity of Suspects

Table II.8 shows an analysis of the disposition of cases involving Indian and non-Indian suspects.

Table II.8: Disposition of 1985 Major Crime Cases Involving Indian and Non-Indian Suspects

Suspect	Disposition and Number of Cases			
	Investigated	Referred for prosecution	Accepted for prosecution	Convicted
Indian	183	129	50	42
Non-Indian	16	12	5	5
Unknown	138	11 ^a	0	0
Total	337	152	55	47

^aIn seven of these cases, the suspects' names were known, but the persons were not identified as Indian or non-Indian. In the remaining four cases, the suspects were not identified by name or by Indian or non-Indian.

Appendix V consolidates the major crimes recorded, investigated, referred, prosecuted, and convictions for the three reservations in 1985. Appendix VI shows this information separately for each of the three reservations.

Law Enforcement Training

Title 25 of the Code of Federal Regulations identifies two types of training requirements for BIA law enforcement officers. The first sets forth minimum training requirements for certain newly hired, appointed, or promoted employees. The second requires BIA law enforcement officers to receive at least 40 hours of annual in-service training to meet training needs determined by tribes and to keep abreast of developments in the law enforcement field.

Minimum Training Requirements

The minimum training requirements are applicable to BIA officers and investigators in four positions. Table III.1 shows the required course for each position, where the course is offered, and the length of each course.

Table III.1: Required Minimum Training Courses for BIA Law Enforcement Positions

Required course ^a	Law enforcement position	Location where course is offered	Length of course (weeks)
Basic police training	Patrol officer	Marana, Arizona ^b	11
Supervisory enforcement officers training	Supervisory enforcement officer	Marana, Arizona ^b	2
Criminal investigator training	Criminal investigator	Glynco, Georgia ^c	8
Advance police management and administration	Supervisory criminal investigator	Marana, Arizona ^b	2

^aAccording to the regulation, similar courses substantially meeting or exceeding the level of training provided by these courses can be substituted.

^bMarana, Arizona, is the satellite operation of the Federal Law Enforcement Training Center, operated by the Department of the Treasury. The Federal Law Enforcement Training Center provides this training for the BIA.

^cThe Federal Law Enforcement Training Center administers this course.

The Code of Federal Regulations provides that employees hired, appointed, or promoted to these positions must complete a training course prior to or within 1 year of that action. Failure to complete this requirement results in transfer to a different position and perhaps demotion.¹ The four courses cover topics ranging from basic police work to departmental management. The Basic Police Training Course covers many facets of police work, such as patrol procedures and transporting prisoners. Topics covered in the Supervisory Enforcement Officer Training Course include BIA firearms policy, jail operations, and supervisory

¹Patrol officers who fail to complete this training may also be discharged.

**Appendix III
Law Enforcement Training**

roles and responsibilities. The Criminal Investigator Course covers topics such as enforcement operations (e.g., executing a search warrant and undercover operations); legal training; firearms training; and enforcement techniques (e.g., fingerprinting and crime scene investigations). Topics covered in the Advance Police Management and Administration Course include crisis management, prevention of internal conflicts, and jail management.

Thirty of the 34 BIA law enforcement officers and investigators employed at the time of our review had completed the required minimum training.² Table III.2 shows the number of employees within the four BIA law enforcement positions who met the minimum training requirements.

Table III.2: BIA Officers and Investigators Who Met the Minimum Training Requirements

Position	Number of officers and investigators	Number who completed minimum training
Patrol officer	20	17
Supervisory enforcement officer	8	8
Criminal investigator	4	4
Supervisory criminal investigator	2	1
Total	34	30

Three patrol officers and one investigator had not fulfilled the requirement. The three patrol officers are employed on the Fort Peck reservation. According to the Fort Peck Captain of Police, one officer attended basic training in Bismarck, North Dakota, but the Captain was later informed by the Indian Police Academy (IPA) Director that this training did not meet or exceed the level of training provided at the IPA and therefore could not be substituted. The second officer was a temporary officer, and the Captain stated he was under the impression that temporary officers were not required to attend basic training. However, the IPA Director informed us that temporary officers are required to attend basic training within 1 year of being hired. The Captain did not provide an explanation as to why the third officer did not receive basic training. The Captain stated that these three patrol officers are scheduled to attend basic training at the IPA in April 1989.

The Supervisory Criminal Investigator who missed training is employed on the Northern Cheyenne reservation. The BIA Superintendent of this

²We reviewed BIA officers and investigators employed as of July 1, 1988.

reservation stated that the Investigator was attending to investigative duties when the course was offered and, therefore, was not disciplined for not completing the required training. According to the Superintendent, the Investigator is scheduled to take this course the next time it is offered, which is in the second quarter of fiscal year 1989.

Annual In-Service Training Requirement

The annual in-service training requirement is applicable to BIA patrol and enforcement officers and investigators. The Code of Federal Regulations states that BIA officers and investigators shall receive at least 40 hours of annual in-service training to meet training needs determined by tribes and to keep abreast of developments in the law enforcement field. The regulation does not cite any consequences for not completing this requirement.

Local Indian organizations and outside authorities administer in-service training to BIA officers and investigators. Local Indian organizations (e.g., tribal courts and the Indian Health Service) provide training in such areas as tribal code orientation and prevention of domestic abuse. Outside authorities (e.g., FBI and the Montana Law Enforcement Academy) provide training on such issues as crime scene investigation and sharpshooter firearms training. BIA investigators also administer in-service training to BIA officers on topics such as search and seizure, physical fitness, and firearms training.

Because in-service training is an annual requirement, we reviewed training records for 1987,³ the last complete year at the time of our review. Records at the Blackfeet and Northern Cheyenne reservations showed that of the 25 employees to whom the requirement was applicable, 11 fulfilled the requirement. Table III.3 provides details about training completed in 1987.

³The Northern Cheyenne reservation maintained 1987 training records on a calendar year basis. The Blackfeet reservation maintained 1987 training records on a fiscal year basis (October 1986 to September 1987).

**Appendix III
Law Enforcement Training**

**Table III.3: Annual In-Service Training
Hours Received for 1987**

Number of hours received	Officers and investigators	
	Number	Percent
40 or more	11	44
30 - 39	8	32
20 - 29	2	8
10 - 19	2	8
0 - 9	2	8

A BIA Criminal Investigator told us that one reason some officers and investigators did not receive at least 40 hours of annual in-service training was they were scheduled to testify in federal court when the training was offered. A BIA Captain of Police told us that another reason some BIA officers and investigators did not receive their training was a staffing shortage.

We requested, but did not receive, training records from the Fort Peck Indian reservation. The Captain of Police stated that all nine officers had met the requirement.

Demographic and Geographic Information

Approximately 15,480 enrolled Indian members¹ “Enrolled” Indian members meet the membership criteria established by their respective tribes.

live on the Blackfeet, Fort Peck, and Northern Cheyenne reservations. These reservations encompass nearly 4 million acres of land and are located in eight counties. Table IV.1 shows, for each reservation, the number of enrolled Indian members and the number living on the reservation, the approximate acreage of the reservation, and the primary counties where the reservation is located.

Table IV.1: Demographic and Geographic Information by Reservation

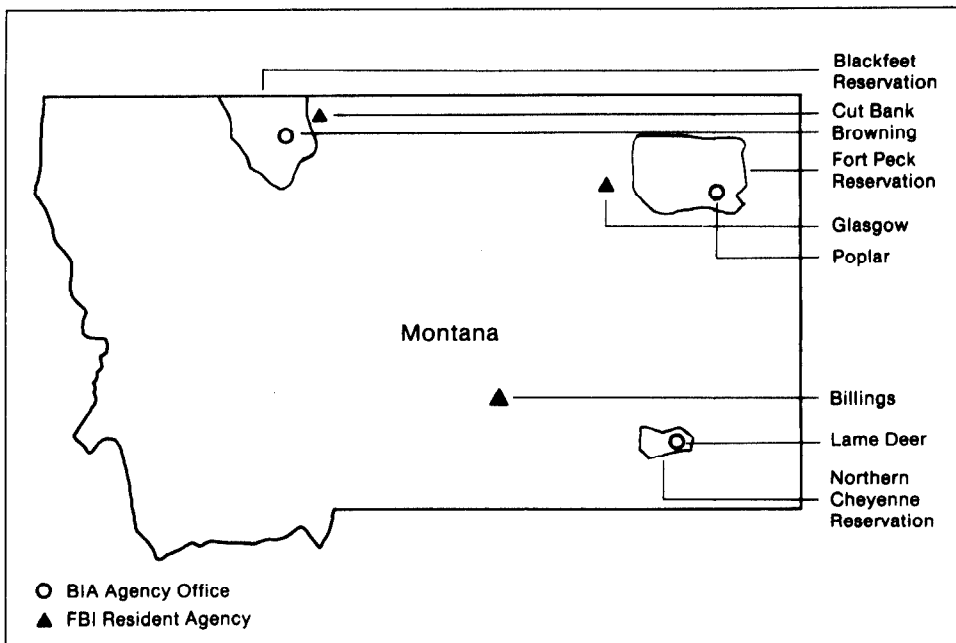
Reservation	Enrolled Indian members ^a		Approximate acres on the reservation	Counties where the reservation is located
	Total ^a	Living on the reservation ^a		
Blackfeet	13,262	6,899	1,526,000	Glacier, Pondera
Fort Peck	8,778	4,647	2,000,000	Roosevelt, Sheridan, Valley, and Daniels
Northern Cheyenne	5,614	3,937	455,000	Big Horn, Rosebud
Total	27,654	15,483	3,981,000	

^aThis information, provided by the BIA Area Office in Billings, Montana, is current as of September 30, 1988.

BIA and FBI Locations for the Three Reservations

The BIA Area Office, located in Billings, Montana, has an agency office on each of the three Indian reservations. The three BIA agency offices responsible for investigating crimes on the Blackfeet, Fort Peck, and Northern Cheyenne Indian reservations are located in Browning, Poplar, and Lame Deer, Montana, respectively. The FBI field division office for Montana, located in Butte, Montana, has satellite offices in Montana known as resident agencies. The three resident agencies responsible for investigating crimes on the Blackfeet, Fort Peck, and Northern Cheyenne Indian reservations are located in Cut Bank, Glasgow, and Billings, Montana, respectively. See figure IV.1 for a map that identifies the locations of the three reservations and the cities in which the respective BIA agency offices and FBI resident agencies are located.

Figure IV.1: Three Reservations Reviewed



Distances and Travel Times From FBI Resident Agencies to the Reservations

According to FBI Chief of the General Crimes Section, Washington, D.C., FBI policy states that once an FBI agent is notified of a crime, the agent is required to respond as expeditiously as possible. Table IV.2 shows the distance and the estimated travel time from FBI resident agency to BIA agency office for each of the three reservations. According to the FBI Chief, travel times assume an agent is notified at the FBI resident agency and responds immediately to the BIA agency office.

Table IV.2: Distances and Estimated Travel Times From FBI Resident Agencies to BIA Agency Offices

Reservation	Location of FBI resident agency	Location of BIA agency office	Distance between FBI and BIA (miles)	Estimated FBI travel time (minutes) ^a
Blackfeet	Cut Bank	Browning	35	35–40
Fort Peck	Glasgow	Poplar	70	70–75
Northern Cheyenne	Billings	Lame Deer	103	100–105

^aThese estimated travel times were provided by FBI Chief of the General Crimes Section, Washington, D.C.

FBI Chief of the General Crimes Section stated that FBI travel times are governed by several factors, including

- road conditions (e.g., during winter and stormy weather);

-
- location of agents when notified (e.g., FBI agents can be at the office, at home, or on the reservation); and
 - location of the crime (the majority of crimes occur in or near reservation communities; however, in some instances, the crimes occur in remote locations on the reservations and require greater travel times).

Objectives, Scope, and Methodology

In discussions with Senator Melcher's office, we agreed to obtain information on (1) the law enforcement policies and practices followed by BIA, FBI, and the U.S. Attorney's Office in the investigation and prosecution of major crimes on the Blackfeet, Fort Peck, and Northern Cheyenne Indian reservations; (2) the number of major crimes reported, investigated, referred for prosecution, and prosecuted categorized by Indian and non-Indian identity; and (3) the training requirements for BIA law enforcement employees.

We obtained information describing the policies and practices followed by BIA officers and investigators and FBI in reporting, investigating, and referring for prosecution, major crimes that occur on Indian reservations from BIA area office officials in Billings, Montana, and BIA agency officials on the three reservations; from an FBI field division in Butte, Montana; and from the U.S. Attorney's Office in Billings, Montana.

To describe the policies and practices of the U.S. Attorney's Office regarding the prosecution of major crimes occurring on Indian reservations, we gathered and reviewed data, a policy manual, files, letters, and 1985 court dockets from U.S. Attorney's Office officials in Billings and Butte, Montana.

To develop statistics on the major crimes reported during calendar year 1985, we obtained criminal case files from BIA agency offices on the three reservations and from FBI field division in Butte, Montana, and files, letters, and court dockets from the U.S. Attorney's Office in Billings, Montana.

In order to describe the minimum training required for employment as BIA officers and investigators, as well as the number who have received the minimum training, we obtained 1987 training information from BIA agency officials on the three reservations. We verified this information for the three reservations with an official from IPA in Marana, Arizona, and an official from the Montana State Law Enforcement Academy in Bozeman, Montana.

We obtained demographic and geographic information relevant to law enforcement on the three reservations from BIA Area Office in Billings, Montana. We also gathered data on distances and travel times from FBI resident agencies to the three reservations from FBI officials in Washington, D.C.

1985 Consolidated Major Crime Statistics for the Blackfeet, Fort Peck, and Northern Cheyenne Reservations

Type of major crime	Offenses recorded		Number investigated by:			Offenses referred		Offenses prosecuted		Convictions	
	Number	Percent	BIA	FBI	BIA/ FBI	Number	Percent ^a	Number	Percent ^a	Number	Percent ^c
Burglary	119	35.3	97	4	18	35	29	12	34	11	92
Larceny/theft	73	21.7	54	6	13	28	38	9	32	7	78
Assault with a dangerous weapon	48	14.2	30	2	16	31	65	7	23	5	71
Rape	24	7.1	10	1	13	17	71	6	35	5	83
Assault resulting in serious bodily injury	20	5.9	7	0	13	13	65	5	38	5	100
Arson	20	5.9	15	0	5	2	10	0	0	NA	NA
Carnal knowledge	9	2.7	4	2	3	4	44	2	50	2	100
Manslaughter	7	2.1	0	0	7	7	100	6	86	4	67
Murder	6	1.8	0	0	6	6	100	5	83	5	100
Involuntary sodomy	4	1.2	1	1	2	3	75	1	33	1	100
Robbery	3	0.9	1	0	2	2	67	0	0	NA	NA
Kidnapping	2	0.6	1	0	1	2	100	0	0	NA	NA
Assault with intent to commit murder	2	0.6	0	0	2	2	100	2	100	2	100
Assault with intent to commit rape	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Incest	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Maiming	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Total	337	100.0	220	16	101	152	45	55	36	47	85

^aThis column is a percentage of the "offenses recorded" column.

^bThis column is a percentage of the "offenses referred" column.

^cThis column is a percentage of the "offenses prosecuted" column.

1985 Crime Statistics by Reservation

Table VII.1: Major Crimes for the Blackfeet Indian Reservation

Type of major crime	Offenses recorded		Number investigated by:			Offenses referred		Offenses prosecuted		Convictions	
	Number	Percent	BIA	FBI	BIA/ FBI	Number	Percent ^a	Number	Percent ^a	Number	Percent ^c
Burglary	42	32.3	31	1	10	9	21	3	33	3	100
Larceny/theft	29	22.3	16	5	8	17	59	1	6	1	100
Assault with a dangerous weapon	22	16.9	15	1	6	12	55	2	17	1	50
Rape	9	6.9	3	0	6	8	89	3	38	2	67
Assault resulting in serious bodily injury	7	5.4	1	0	6	6	86	3	50	3	100
Arson	4	3.1	0	0	4	0	0	NA	NA	NA	NA
Carnal knowledge	1	0.8	1	0	0	1	100	0	0	NA	NA
Manslaughter	3	2.3	0	0	3	3	100	3	100	2	67
Murder	5	3.9	0	0	5	5	100	4	80	4	100
Involuntary sodomy	1	0.8	0	0	1	1	100	1	100	1	100
Robbery	3	2.3	1	0	2	2	67	0	0	NA	NA
Kidnapping	2	1.5	1	0	1	2	100	0	0	NA	NA
Assault with intent to commit murder	2	1.5	0	0	2	2	100	2	100	2	100
Assault with intent to commit rape	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Incest	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Maiming	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Total	130	100.0	69	7	54	68	52	22	32	19	86

^aThis column is a percentage of the "offenses recorded" column.

^bThis column is a percentage of the "offenses referred" column.

^cThis column is a percentage of the "offenses prosecuted" column.

**Appendix VII
1985 Crime Statistics by Reservation**

Table VII.2: Major Crimes for the Fort Peck Indian Reservation

Type of major crime	Offenses recorded		Number investigated by:			Offenses referred		Offenses prosecuted		Convictions	
	Number	Percent	BIA	FBI	BIA/ FBI	Number	Percent ^a	Number	Percent ^a	Number	Percent ^c
Burglary	60	36.8	51	3	6	20	33	9	45	8	89
Larceny/theft	40	24.6	34	1	5	10	25	8	80	6	75
Assault with a dangerous weapon	19	11.7	13	0	6	12	63	4	33	4	100
Rape	10	6.1	6	0	4	5	50	3	60	3	100
Assault resulting in serious bodily injury	9	5.5	5	0	4	4	44	2	50	2	100
Arson	13	8.0	13	0	0	1	8	0	0	NA	NA
Carnal knowledge	7	4.3	3	1	3	2	29	2	100	2	100
Manslaughter	3	1.8	0	0	3	3	100	3	100	2	67
Murder	1	0.6	0	0	1	1	100	1	100	1	100
Involuntary sodomy	1	0.6	1	0	0	0	0	NA	NA	NA	NA
Robbery	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Kidnapping	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Assault with intent to commit murder	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Assault with intent to commit rape	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Incest	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Maiming	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Total	163	100.0	126	5	32	58	36	32	55	28	88

^aThis column is a percentage of the "offenses recorded" column.

^bThis column is a percentage of the "offenses referred" column.

^cThis column is a percentage of the "offenses prosecuted" column.

**Appendix VII
1985 Crime Statistics by Reservation**

Table VII.3: Major Crimes for the Northern Cheyenne Indian Reservation

Type of major crime	Offenses recorded		Number investigated by:			Offenses referred		Offenses prosecuted		Convictions	
	Number	Percent	BIA	FBI	BIA/ FBI	Number	Percent ^a	Number	Percent ^a	Number	Percent ^c
Burglary	17	38.6	15	0	2	6	35	0	0	NA	NA
Larceny/theft	4	9.1	4	0	0	1	25	0	0	NA	NA
Assault with a dangerous weapon	7	15.9	2	1	4	7	100	1	14	0	0
Rape	5	11.4	1	1	3	4	80	0	0	NA	NA
Assault resulting in serious bodily injury	4	9.1	1	0	3	3	75	0	0	NA	NA
Arson	3	6.8	2	0	1	1	33	0	0	NA	NA
Carnal knowledge	1	2.3	0	1	0	1	100	0	0	NA	NA
Manslaughter	1	2.3	0	0	1	1	100	0	0	NA	NA
Murder	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Involuntary sodomy	2	4.5	0	1	1	2	100	0	0	NA	NA
Robbery	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Kidnapping	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Assault with intent to commit murder	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Assault with intent to commit rape	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Incest	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Maiming	0	0.0	0	0	0	NA	NA	NA	NA	NA	NA
Total	44	100.0	25	4	15	26	59	1	4	0	0

^aThis column is a percentage of the "offenses recorded" column.

^bThis column is a percentage of the "offenses referred" column.

^cThis column is a percentage of the "offenses prosecuted" column.

1985 BIA Reporting Statistics

Reports missing from files	Number of files	Cases referred for prosecution		Cases accepted for prosecution		Cases receiving convictions	
		Number	Percent ^a	Number	Percent ^b	Number	Percent ^c
3-day advance notice	1	1	100	1	100	1	100
3-day advance notice and case report	1	1	100	1	100	1	100
3-day advance notice and final disposition	0	NA	NA	NA	NA	NA	NA
3-day advance notice case report and final disposition	2	0	0	NA	NA	NA	NA
Case report	131	43	33	15	35	14	93
Case report and final disposition	73	38	52	23	61	19	83
Final disposition	39	23	59	4	17	2	50
Total	247	106	43	44	42	37	84
Files completely documented	74	32	43	8	25	8	100
Total	321^d	138	43	52	38	45	87

^aThis column is a percentage of the number of files.

^bThis column is a percentage of the cases referred for prosecution.

^cThis column is a percentage of the cases accepted for prosecution.

^dThis total is the number of cases investigated by BIA with or without the assistance of FBI. FBI solely investigated 16 major crimes that, when added to 321, equals the 337 major crimes in 1985.

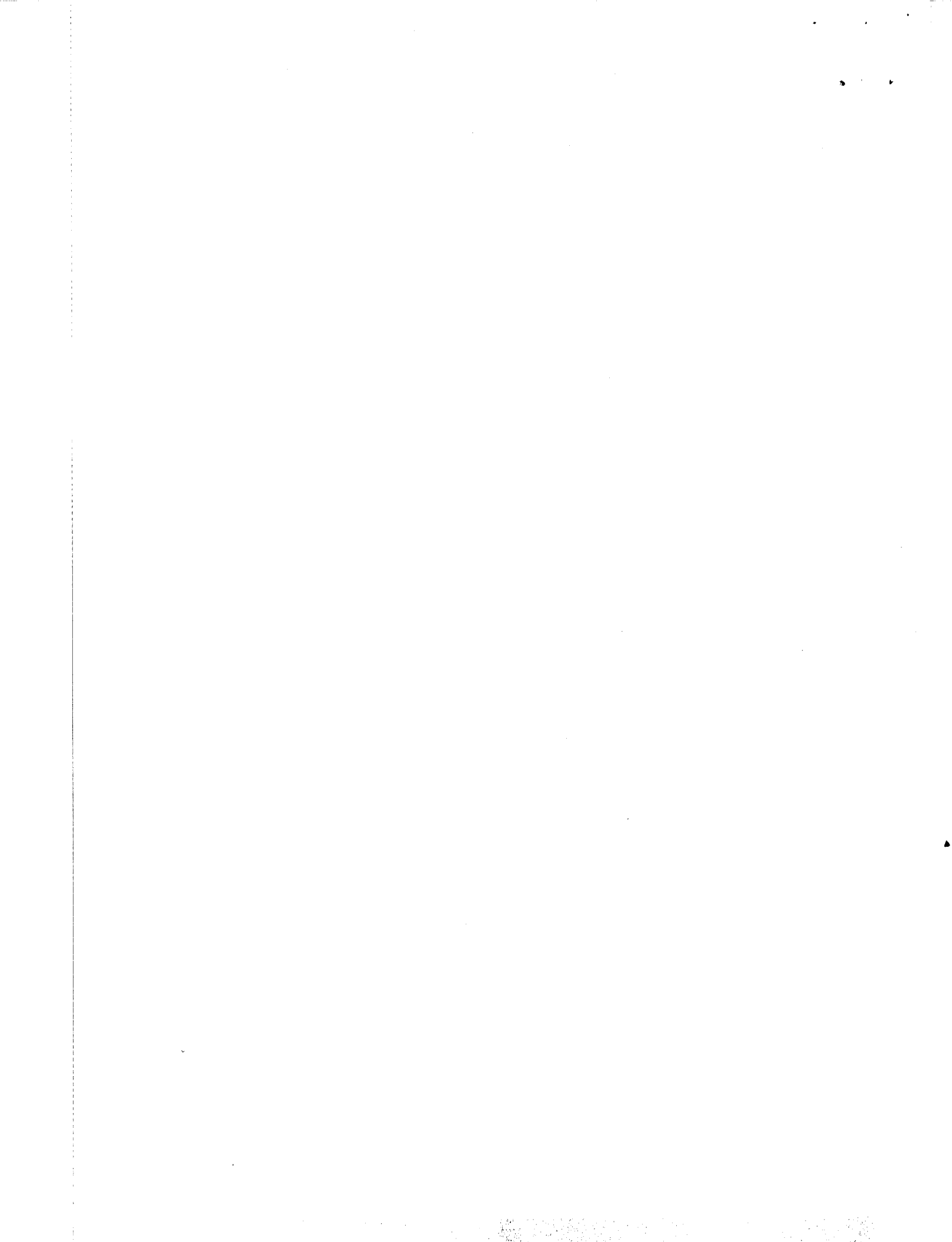
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