



## MEMORANDUM

To: All Oklahoma Law Enforcement Agencies  
From: Oklahoma Office of the Attorney General  
Date: July 22, 2022  
Re: Guidance for Oklahoma law enforcement following *Oklahoma v. Castro-Huerta*

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On June 29, 2022, the U.S. Supreme Court held, in relevant part, that Oklahoma has jurisdiction over all non-Indian criminal defendants within its borders, including any land that may constitute Indian country. *Oklahoma v. Castro-Huerta*, 142 S. Ct. 2486 (2022). This memorandum is intended to provide guidance to law enforcement in light of the recent decision. This memorandum is a working document and will periodically be updated after further consultation with law enforcement.

*First*, all Oklahoma district attorneys and law enforcement agencies should resume pursuing state prosecutions of non-Indian offenders throughout Oklahoma, regardless of whether the location is considered Indian country. The race or ethnicity of the victim is no longer relevant to whether the State can prosecute a crime; we can now protect Oklahoma victims on a much more equal basis. Moreover, law enforcement officers should give their respective district attorneys the option to prosecute any non-Indian criminal defendants first, before any such case is referred to the federal government for prosecution.

*Second*, all Oklahoma district attorneys and law enforcement agencies should consider resuming prosecution of cases that the federal government declined or did not prosecute successfully. Specifically, district attorneys should contact and coordinate with all law enforcement agencies within their jurisdiction to obtain records of any non-Indian defendants who were referred to the federal government but not prosecuted. Law enforcement officers should also notify district attorneys of any non-Indian defendants who were referred to the federal government but not prosecuted.

*Third*, all Oklahoma district attorneys and law enforcement agencies should apply these guidelines on all land in Oklahoma, including any land considered as Indian country in this context and any restricted allotments. There is no longer any land within Oklahoma where a non-Indian defendant can escape justice.

The Attorney General's office recognizes that Oklahoma law enforcement is dedicated to protection of our citizens and has already been implementing some of these changes. If any law enforcement agency requires additional assistance in locating victims and pursuing charges in cases that were previously not prosecuted during the past two years, our office would be glad to help where needed. Law enforcement officials and agencies with inquiries should contact Chief Agent Brett Macy (brett.macy@oag.ok.gov), and district attorneys should contact Deputy Solicitor General Bryan Cleveland (bryan.cleveland@oag.ok.gov).