Pascua Yaqui Tribe shares lessons learned from implementing special domestic violence criminal jurisdiction authority under the Violence Against Women Act

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For Immediate Release: May 4, 2015
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Washington, D.C. – The Bureau of Indian Affairs Office of Justice Services and the Pascua Yaqui Tribe of Arizona will hold a VAWA Tribal Court Trial Advocacy Training focusing on the challenges that occur when a tribe uses its special domestic violence criminal jurisdiction (SDVCJ) authority as authorized by the Violence Against Women Act of 2013 (VAWA) to prosecute offenders. The training is scheduled for May 5-7 on the Pascua Yaqui Reservation in Tucson.

The OJS Tribal Justice Support Directorate took note from the Intertribal Technical-Assistance Working Group's collaborative discussions on implementing VAWA SDVCJ and saw the value in supporting the concept that tribal experts should train other tribes interested in prosecuting the VAWA SDVCJ. Thus, with the support of the Pascua Yaqui Tribe, the OJS Tribal Justice Support Directorate began to collaborate with the Pascua Yaqui Justice Department to design a curriculum based on the first jury trial executed under VAWA SDVCJ.

The training, titled "Lessons Learned from the 1st Non-Indian Jury Trial in a Tribal Court under Special Domestic Violence Criminal Jurisdiction," provides the Pascua Yaqui Tribe's criminal justice system with an opportunity to share its experiences from its first year of exercising its SDVCJ authority under VAWA.

VAWA authorizes federally recognized tribes to exercise "special domestic violence criminal jurisdiction" over certain defendants, regardless of their Indian or non-Indian status, who commit acts of domestic or dating violence or violate certain protection orders on federal Indian trust lands. The Pascua Yaqui Tribe was one of five tribes approved as pilot projects to exercise VAWA SDVCJ authority on an accelerated basis, which it has been doing since February 2014.

Under VAWA SDVCJ authority a tribe must protect the rights of defendants under the Indian Civil Rights Act of 1968, including the right to due process, which requires including a fair cross-section of the community in jury pools which does not systematically exclude non-Indians. Further, the due process rights also require informing defendants detained by a tribal court of their right to file federal habeas corpus petitions.

Substantive trial training will be provided specific to VAWA prosecutions including training on jurisdictional considerations, witness recantation, and evidence considerations, and will focus on three tracks: prosecutor, defense attorney, and judicial. Practical training skills and application of learned skills will take place in Pascua Yaqui tribal courtrooms.

The general session will include VAWA-specific training on criminal jurisdiction, evidence, and ethics by

University of Arizona professors Melissa Tatum, a contributor to the Handbook of Federal Indian Law by Felix S. Cohen; Thomas Mauet, renowned evidence and trial litigation expert; and Jim Diamond, adjunct professor and author.

WHO: Tribal Justice Support Directorate, Office of Justice Services, Bureau of Indian Affairs, U.S. Department of the Interior

WHAT: The Tribal Justice Support Directorate in the BIA's Office of Justice Services will co-host tribal court trial advocacy training on the challenges and lessons learned when a tribe exercises special domestic violence criminal jurisdiction authority as authorized by the Violence Against Women Act. The Pascua Yaqui Tribe of Arizona will provide valuable lessons learned and the training is designed to improve the trial advocacy skills of tribal court prosecutors, defenders and judges.

WHEN: May 5-7, 2015 (Mountain Standard Time Zone)

- Tuesday, May 5 10:00 a.m. – 5:00 p.m. General Session (Open)
- Wednesday, May 6 8:00 a.m. – 5:00 p.m. Skills Training
- Thursday, May 7 8:00 a.m. – 4:00 p.m. Skills Training

WHERE: Casino Del Sol Resort, 5655 W. Valencia Road, Tucson, Ariz. 85757. Phone: (855) 765-7829.

CREDENTIALS: This invitation is extended to credentialed media representatives, who must display sanctioned media credentials for admittance to the event.
