



U. S. Department of Justice

Office of the Associate Attorney General

The Associate Attorney General

Washington, D.C. 20530

February 6, 2014

Chairman Peter S. Yucupicio
Chief Judge Cornelia Cruz
Attorney General Amanda Lomayesva
Pascua Yaqui Tribe of Arizona
7777 S. Camino Huivism, Bldg. C
Tucson, AZ 85757

Dear Chairman Yucupicio, Chief Judge Cruz, and Attorney General Lomayesva:

I am pleased to inform you that the United States Department of Justice is granting your request to designate the Pascua Yaqui Tribe of Arizona as a participating tribe in the Pilot Project established by the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). Your tribe is one of three American Indian tribes whose requests for Pilot Project participation are being granted today.

In granting these Pilot Project requests, the United States is recognizing and affirming the tribes' inherent power to exercise "special domestic violence criminal jurisdiction" (SDVCJ) over all persons, regardless of their Indian or non-Indian status. As you know, prior to today's decisions, tribes were prohibited from exercising criminal jurisdiction over domestic violence and dating violence committed by non-Indian abusers against their Indian spouses, intimate partners, and dating partners. Even a violent crime committed by a non-Indian husband against his Indian wife, in the presence of her Indian children, in their home on the Indian reservation, could not be prosecuted by the tribe. This jurisdictional scheme has proved ineffective in ensuring public safety. Too often, crimes have gone unprosecuted and unpunished, and violence has escalated.

Today's decisions, however, mark a historic turning point. We believe that exercising tribal jurisdiction over these crimes will help decrease domestic and dating violence in Indian country, strengthen tribal capacity to administer justice and control crime, and ensure that perpetrators of domestic violence are held accountable for their criminal behavior.

As described in the Department of Justice's *Final Notice* on the Pilot Project (78 Fed. Reg. 71645 (Nov. 29, 2013)), we have based our decision to grant your request on a diligent, detailed review of the Application Questionnaire that you certified and submitted in December 2013, along with excerpts of tribal laws, rules, and policies, and other relevant information. That review, conducted in close coordination with the Department of the Interior and after formal consultation with affected Indian tribes, has led us to determine that Pascua Yaqui's criminal justice system has adequate safeguards in place to fully protect defendants' rights under the Indian Civil Rights Act of 1968, as amended by VAWA 2013. Indeed, we are confident that your tribal court's application of the federal statutory rights described in VAWA 2013 will be comparable to state courts' application of the corresponding federal constitutional rights in similar cases.

The Department of Justice will be posting notices of your tribe's Pilot Project designation on our Tribal Justice and Safety Web site (<http://www.justice.gov/tribal/>) and in the *Federal Register*. Moreover, we understand that, between now and February 20, 2014, you will notify your community that the tribe will soon commence prosecuting SDVCJ cases, and this notification will include sending press releases to the print and electronic media outlets in your area. The Pascua Yaqui Tribe of Arizona may not exercise SDVCJ to prosecute any crime committed before that notification has been completed or before February 20, 2014.

We also will be posting on the Department's Web site your Application Questionnaire and all the tribal laws, rules, and policies that you attached or linked to it. Once posted, these materials will serve as a resource for those tribes that may also wish to participate in the Pilot Project or to commence exercising SDVCJ in March 2015 or later, after the Pilot Project has concluded.

During the remainder of the Pilot Project's duration (*i.e.*, until March 7, 2015), please provide the Department of Justice's Office of Tribal Justice (OTJ) with updated information if changes in your tribe's laws, rules, policies, or personnel render the answers to your certified Application Questionnaire incomplete, inaccurate, or outdated. Any questions about this or any other requirement may be directed to OTJ's Director, Mr. Tracy Toulou, at (202) 514-8812 or OTJ@usdoj.gov.

Finally, we applaud your tribe's active and engaged participation in the Intertribal Technical-Assistance Working Group on Special Domestic Violence Criminal Jurisdiction (ITWG). The ITWG has proved to be a valuable forum for exchanging views, information, and advice about how tribes can best exercise SDVCJ, combat domestic violence, recognize victims' rights and safety needs, and fully protect defendants' rights. We encourage you to remain actively involved in the ITWG, as your continued participation could greatly benefit other tribes.

Congratulations on being one of the first three Indian tribes in the United States to attain full Pilot Project status under VAWA 2013. This achievement is a credit to your tribe's criminal justice system and carries the potential to greatly enhance public safety in your community.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony West', with a long horizontal line extending to the right.

Tony West