



For Immediate Release

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Pascua Yaqui Tribe Asserts Authority to Prosecute All Persons, including Non-Indians for Domestic Violence

Local Tribe Among First to Implement Violence Against Women Act Jurisdictional Provisions

(Tucson, AZ) – Today, the Pascua Yaqui Tribe announces implementation of a new tribal government law that enables tribal police and justice officials to investigate and prosecute certain domestic violence crimes committed by non-Indians in Indian country. Non-Indians who live or work on the reservation or have a marriage or dating relationship with a Native person may now be subject to tribal jurisdiction for domestic and dating violence crimes and criminal violations of certain protection orders. Individuals who commit these crimes in Indian country can be arrested by tribal police, prosecuted in tribal court, and sentenced to prison. Individuals prosecuted under the new tribal law will have a right to an attorney. If the defendant cannot afford an attorney, one will be provided by the tribe.

This is part of the tribal council's larger effort to take a stand against violence in the community—and domestic violence, in particular—because of the enormous toll it has taken on Native families and youth.

“Making the Pascua Yaqui Reservation safe and secure has been very important to the Pascua Yaqui Tribal Council. The Tribal Council has made stopping violence against Native American women a top priority issue. Our judicial system, like all other judicial systems, will now have the opportunity to address offenders for wrongs committed against our most vulnerable community members,” says Peter Yucupicio, Tribal Chairman. “We no longer have to simply stand by and watch our Native women be victimized with no recourse. I’m here to put the community on notice, perpetrators will be held accountable in the tribe’s own justice system,” adds Raymond Buelna, Councilmember and Chairman of the tribe’s Public Safety Committee.

The federal law that authorizes these recent actions by the Pascua Yaqui Tribe is the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). Signed into law on March 7, 2013, VAWA 2013 marked a victory for Native women, tribal leaders, women's rights advocates, and survivors of domestic abuse everywhere. For the first time since the U.S. Supreme Court stripped tribal governments of their criminal authority over non-Indians in *Oliphant v. Suquamish Indian Tribe* (1978), VAWA 2013 restored tribal inherent authority to investigate, prosecute, convict, and sentence non-Indians who assault their Indian spouses or dating partners in Indian country. This aims to fill a longstanding jurisdictional gap on tribal

lands that has for far too long put Native women at risk and kept the hands of tribal law enforcement tied.

For most tribes, the option to exercise this authority—termed special domestic violence criminal jurisdiction (SDVCJ) under the law—will not be available until March 2015 (two years after enactment). However, the law also created a pilot project for tribes who request to start prosecuting non-Indian offenders sooner, provided the requesting tribe can adequately protect defendants' rights under federal law and has received the necessary approvals from the U.S. Department of Justice. The Pascua Yaqui Tribe is one of three pilot tribes that will begin exercising SDVCJ as of February 20, 2014. Crimes committed outside of Indian country, between two strangers, between two non-Indians, or by a person without sufficient ties to the Pascua Yaqui Tribe are not covered by this new authority.

This new law is necessary because violence against Native women has reached epidemic proportionsⁱ, and the old system of forcing tribes to rely exclusively federal government officials to investigate and prosecute crimes of domestic violence committed by non-Indians against Native women is not working. Prior to VAWA 2013, the Indian woman who was beaten by her non-Indian husband on tribal land had nowhere to turn for protection: tribal law enforcement had no authority to intervene because the perpetrator is a non-Indian; the State had no authority to intervene because the victim was an Indian; and the Federal Government—the body with exclusive jurisdiction—did not have the resources to intervene in misdemeanor level domestic violence cases. VAWA 2013 is an attempt to remedy this broken system.

As President Obama said when he signed VAWA 2013 into law, “Tribal governments have an inherent right to protect their people, and all women deserve the right to live free from fear.” The Pascua Yaqui Tribe agrees, and is doing its part to ensure that the safety of women and of everyone on the reservation. “Domestic Violence is the most pressing criminal justice challenge facing the Pascua Yaqui Tribe. Domestic Violence filings in tribal court account for a significant majority of all criminal filings,” says Chief Prosecutor Alfred Urbina, “The previous lack of tribal criminal jurisdiction over non-Indian spouses and intimate partners left a significant gap in the Pascua Yaqui criminal justice system. While we still may have many problems and this is certainly only a first step, the fact that we have implemented VAWA 2013 is momentous. When we reflect on the historical words and actions of our elders, especially those who have passed on, we are blessed to have the opportunity to do as they did: protect our people.”

About the Pascua Yaqui Tribe

The Pascua Yaqui Tribe is a federally recognized tribe with a reservation southwest of Tucson, Arizona. Historically, the Yoeme (Yaqui people) have always had some form of law enforcement and dispute resolution, most notably through our ceremonial and cultural societies. The first responsibility of any government, tribal or otherwise, is the safety and protection of its people.

As early as the 1690s, the Tumacácori area became the earliest known settlement of Yaquis in what later became Arizona. In 1960, Yaquis in Old Pascua (near Grant and I-10 in Tucson) initiated a request for land primarily to protect our culture and seek a permanent home.

In 1963, the Pascua Yaqui Association (PYA) was formed and elected a Board of Directors led by Anselmo Valencia. In 1964, the U.S. Government deeded 202.76 acres to "Pascua Yaqui Association" (Lyndon B. Johnson). In 1967 the first families moved into "New Pascua" southwest of Tucson. In 1975, the Pascua Yaqui Association from Tucson sought federal recognition from Congress. On September 18, 1978, the Pascua Yaqui Tribe was officially recognized by Congress, 25 U.S.C. 1300f-2. "New Pascua" is the tribe's current reservation.

In 1982, the Tribe adopted a Criminal Code, and in 1988 adopted our Constitution, all of which helps spell out current Yaqui Law. In addition to our Constitution, our elders, in their wisdom, created a Tribal Court system as the arbitrator of Yaqui justice and our forum for the resolution of disputes. Our official justice system has been operating, in one form or another, for approximately 30 years. Our law is organized into a Code that is maintained by the Attorney General's Office and available publicly through the Tribe's website at http://www.pascuayaqui-nsn.gov/static_pages/tribalcodes/index.php

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ⁱ Compared with other demographic groups, American Indian women have one of the highest rates of domestic violence victimization in the United States. *See. e.g.*, Centers for Disease Control and Prevention (CDC), *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Preliminary Report* at 3, 39 (Nov. 2011) (finding that 46% of Native American women have experienced rape, physical violence, and/or stalking by an intimate partner in their lifetime.) A significant percentage of residents of Indian reservations are non-Indian. *See* U.S. Census Bureau, 2010 Census Briefs, *The American Indian and Alaska Native Population: 2010*, at pages 13- 14 and table 5 (Jan. 2012) (showing that 1.1 million American Indians and 3.5 million non-Indians reside in American Indian areas). Many married Indian women have non-Indian husbands. *See* U.S. Census Bureau, *Census 2010, special tabulation, Census 2010 PHC-T-19, Hispanic Origin and Race of Coupled Households: 2010, Table 1, Hispanic Origin and Race of Wife and Husband in Married-Couple Households for the United States: 2010* (Apr. 25, 2012) (showing that more than 54% of Indian wives have non-Indian husbands).