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Udall, Murkowski, Cortez Masto Bill Would Restore Tribal Jurisdiction Over Domestic Violence Incidents on Tribal Land to Children and Law Enforcement

WASHINGTON — Today, U.S. Senators Tom Udall (D-N.M.), vice chairman of the Senate Committee on Indian Affairs, Lisa Murkowski (R-Alaska), and Catherine Cortez Masto (D-Nev.) introduced the bipartisan Native Youth and Tribal Officer Protection Act (NYTOPA) to build on the Tribal jurisdiction provisions in the Violence Against Women Reauthorization Act of 2013 (VAWA 2013) by extending protections to children and law enforcement personnel involved in domestic violence incidents on Tribal lands. The bill also will enhance federal coordination of victim resources for Tribal communities.

VAWA 2013 restored the authority of Tribes to arrest and prosecute offenders, regardless of their race, for acts of domestic violence committed within the boundaries of their jurisdiction. Since enactment, at least 16 Tribes have undertaken the steps to exercise the special domestic violence criminal jurisdiction (SDVCJ) restored by VAWA 2013 – leading to over 120 arrests. But VAWA 2013 did not allow Tribes to arrest or prosecute offenders for

threatened domestic violence, domestic violence against children, or violence committed against law enforcement personnel enforcing SDVCJ. NYTOPA addresses these gaps to help protect Native families and Tribal justice officials from violent offenders.

“There are far too many desperate stories illustrating how Native American women, children and law enforcement are caught up in acts of domestic violence while the perpetrator goes unpunished. The failure to shield these individuals from violence should outrage us all,” said Udall, who helped craft the Tribal provisions in VAWA 2013 and has worked to strengthen Tribes’ ability to prevent and prosecute domestic violence since he served as New Mexico’s attorney general. “With this bill, we can close a dark and desperate loophole in Tribal criminal jurisdiction.”

“All indications suggest that the Special Domestic Violence Criminal Jurisdiction provisions of the Violence Against Women Act are being successfully implemented,” said Murkowski. “This new jurisdiction provided tribes with significant tools to address violence in Indian Country, but only in limited ways. I am pleased to join with my colleagues in expanding this jurisdiction to include crimes against children as well as those against law enforcement officers. We still have a long way to go in fully empowering tribes to address criminal offenses in their Indian Country, but this is an important next step.”

“I have spent my career fighting to ensure that tribal leaders are empowered to keep their communities safe from domestic violence,” said Cortez Masto. “I am proud to introduce the Native Youth and Tribal Officer Protection Act, a bill that will further that mission by restoring important protections to children and

tribal law enforcement officers involved in domestic violence incidents on tribal lands.”

The legislation is supported by the National Network to End Domestic Violence, National Domestic Violence Hotline, National Congress of American Indians, National American Indian Court Judges Association, National Indigenous Women’s Resource Center, Native American Rights Fund, United South & Eastern Tribes, All Pueblo Council of Governors, Midwest Alliance of Sovereign Tribes, Navajo Nation, the Pueblo of Acoma, the Pueblo of Santa Ana, the Pueblo of Santa Clara, Eastern Band of Cherokee Indians, Pascua Yaqui Tribe, Sac and Fox Nation, Squaxin Island Tribe, Saginaw Chippewa Indian Tribe of Michigan, the Tulalip Tribes of Washington, and the Lower Elwha Klallam Tribe.

"Survivors of domestic violence in Indian Country have begun to see justice after VAWA 2013, and it serves as a real deterrent to violent crime," said Jefferson Keel, President of the National Congress of American Indians.

"These amendments will close gaps that have left child victims and tribal law enforcement without the same protections."

"The VAWA tribal provisions were critical to empowering Tribes to address domestic violence on our lands, especially by non-Indians against Indians," said Paul Torres, Chairman of the All Pueblo Council of Governors. "But it does not cover violent acts against children and assaults on police officers. NYTOPA would expand its coverage to address these gaps, greatly helping Tribes to build upon past efforts to make their communities safer."

“There is nothing more heartbreaking, nor more frustrating for a Tribal leader than to see a child suffer from domestic violence and not be able to take any direct action to hold the perpetrator accountable,” said Kurt Riley, Governor of Acoma Pueblo. “All Tribes are looking at implementing the VAWA Tribal provisions authorizing tribes to exercise domestic violence criminal jurisdiction over non-Indians in certain limited circumstances, but they are incomplete without jurisdiction over crimes against children and police officers. NYTOPA fixes this concern and will help Tribes to continue to evolve their criminal justice system, consistent with constitutional standards, to make our communities safer places.”

“With the VAWA tribal provisions, Congress recognized that only Tribes can adequately address the domestic violence crisis on Tribal lands,” said Lawrence Montoya, Governor of Santa Ana Pueblo. “Although powerful, that law was incomplete because it did not extend to violence against children or against police officers responding to domestic violence calls. Senator Udall’s legislation will fill the void and allow Tribes to develop their criminal justice systems to address this situation. This legislation recognizes that Tribes are best positioned to keep Tribal lands safe.”

“We are grateful to Senator Udall for introducing the Native Youth & Tribal Officer Protection Act. This legislation would fill a critical gap in special domestic violence criminal jurisdiction, which allows Tribes to prosecute non-Indians in certain well-defined circumstances for violence against a partner, but not for violence against children or against police officers,” said Michael Chavarria, Governor of Santa Clara Pueblo. “Children suffer greatly in these circumstances. It is important that Tribes have the power to step in and prosecute those who hurt our youth, as well as those who harm our law

enforcement officers — the very ones we employ to provide safety and welfare.”