

**Intertribal Technical-Assistance Working Group on
Special Domestic Violence Criminal Jurisdiction (ITWG)
Third In-Person Meeting
Wednesday, May 28 – Thursday, May 29, 2014**

HOSTED BY THE PASCUA YAQUI TRIBE | CASINO DEL SOL RESORT | TUCSON, ARIZONA

WEDNESDAY, May 28th – Day One – Ballroom A

7:30 a.m. **Continental Breakfast** (hosted by the Pascua Yaqui Tribe)

7:30 – 8:45 a.m. **Check-In**

8:00 – 9:00 a.m. **Pre-Meeting Refresher: Review Basics of 25 U.S.C. 1304 – Special Domestic Violence Criminal Jurisdiction**

9:00 – 9:15 a.m. **Opening Prayer**

Raymond Buelna, Councilman, Pascua Yaqui Tribe

Welcome

Peter Yucupicio, Chairman, Pascua Yaqui Tribe

9:15 – 9:30 a.m. **Overview of ITWG Meeting with Facilitators**

Plenary Discussion I

9:30 – 10:30 a.m. **Updates from Approved Pilot Tribes**

- Pascua Yaqui Tribe
 - Amanda Sampson Lomayesva*, Attorney General
 - Fred Urbina*, Chief Prosecutor, SAUSA
 - Fred Lomayesva*, Deputy Prosecutor
- Confederated Tribes of the Umatilla Indian Reservation
 - Brent Leonhard*, Attorney, SUSA
 - Kyle Daley*, Prosecutor
- Tulalip Tribes
 - Michelle Demmert*, Reservation Attorney
 - Theresa Pouley*, Chief Judge
 - Sharon Hayden Jones*, DV/SA Prosecutor, SAUSA
 - Carlos Echevarria*, Chief of Police

10:30 – 11:45 a.m. **Status Updates from ITWG Tribes**

- Tribes with Pending Applications
- Round Robin Update from all ITWG Tribes
[Please be prepared to give a brief update on where your tribe is with implementation including any issues your tribe would like assistance with or to discuss].

11:45 a.m. – 1:00 p.m. **Lunch Break**

Plenary Discussion II

1:00 – 2:00 p.m. **Jurisdiction over Non-Indians: Requirements for Tribal Special Domestic Violence Criminal Jurisdiction**

1. The non-Indian/Indian status of the perpetrator/victim. 25 U.S.C. 1304(b)(4)(A).
2. Defendant currently is in, or previously has been in, one of the social relationships with the victim that are described in the statute. 25 U.S.C. 1304(a)(1), (2).

3. Defendant has one of the ties to the prosecuting tribe that are described in the statute. 25 U.S.C. 1304(b)(4)(B).
4. The offense is “criminal conduct” that falls into the category of domestic violence, dating violence, or violation of a protection order. 25 U.S.C. 1304(a)(1), (2), (5), (c).

Facilitator: *Hon. Steve Aycock*, Judge-in-Residence, NCJFCJ

Panel: *Richard Friedman*, DOJ; *Amber Blaha*, DOJ ENRD; *Tracy Toulou*, Director, Office of Tribal Justice, DOJ

Plenary Discussion III

2:00 – 3:00 p.m. **Habeas Response**

- Protecting the community while balancing concerns about constitutional challenges
- Outline of Constitutional Arguments: Strengths and Weaknesses
- Territory and Property Clause

Facilitator: *John Dossett*, General Counsel, NCAI

Panel: *Richard Friedman*, DOJ; *Amber Blaha*, DOJ ENRD; *Tracy Toulou*, Director, Office of Tribal Justice, DOJ

Plenary Discussion IV

3:00 – 4:00 p.m. **Prosecution Best Practices in DV Cases**

Facilitator: *Steve Aycock*, Judge-In-Residence, NCJFCJ

Presenter: *Teresa M. Garvey*, Attorney Advisor, AEquitas – The Prosecutor’s Resource on Violence Against Women

Breakout Sessions – Workgroups – Ballrooms A & B; other rooms as needed

4:00 – 5:30 p.m.	#1: Developing Jury Instructions for 1304 Prosecutions Facilitator: <i>Natasha Anderson</i> , Staff Attorney, NCAI	#2: Law Enforcement Tip Card for 1304 Investigations Facilitator: <i>Chia Halpern Beetso</i> , Tribal Court Specialist, TLPI	#3: When Prosecution Won’t Work – Victim Safety, Protection Orders and other Remedies Facilitator: <i>Hallie Bongar-White</i> , SWCLAP	#4: To Be Determined (during morning ITWG discussions) <i>TBD</i>
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6:00 p.m. **Reception – East Pool Terrace (hosted by the Pascua Yaqui Tribe at its Casino Del Sol Resort) – Light hors d’oeuvres**

THURSDAY, May 29th – Day Two – Morning @ Pascua Yaqui Justice Center

7:30 a.m. Gather at hotel lobby for transportation to Pascua Yaqui Justice Center
- Please note that transportation is being provided

8:00 – 8:30 a.m. Travel to Pascua Yaqui Justice Center

8:30 – 8:45 a.m. **Welcome to Pascua Yaqui Justice Center:** Pascua Yaqui Court Personnel

8:45 – 9:15 a.m. **Discussion with Pascua Yaqui Tribal Court Judge:** *Hon. Melvin R. Stoof*

9:15 – 10:00 a.m. **Mock First Appearance of Non-Indian Offender** (followed by Q&A) with Judge Stoof, PYT Prosecutor, PYT Public Defender, and non-Indian Defendant

10:00 – 10:45 a.m. **Discussion with PYT Public Defender – Ensuring the Right to Counsel:** *Melissa Acosta*, Pascua Yaqui Public Defender

10:45 – 11:15 a.m. **Discussion with PYT Court Solicitor – Jury Pool Changes Made For VAWA 2013:** *Ben Casey*, Pascua Yaqui Court Solicitor

11:15 a.m. – 12:00 p.m. **Tour of Pascua Yaqui Justice Center**

12:00 p.m. Meet in Justice Center Lobby for Transportation back to Casino Del Sol Resort

12:30 – 2:00 p.m. **Lunch Break**

Plenary V

2:00 – 3:30 p.m. **Law Enforcement Training and Detention**

Facilitator: *John Dossett*, General Counsel, NCAI

Panel: *Darren Cruzan*, Deputy Director, Office of Justice Services, BIA; *Tracy Toulou*, Director, Office of Tribal Justice, DOJ

National Crime Information Center (NCIC)

Facilitator: *Chia Halpern Beetso*, Tribal Court Specialist, TLPI

Panel: *Tracy Toulou*, Director, Office of Tribal Justice, DOJ; *Marcia Hurd*, Counsel to the Director, Office of Tribal Justice, DOJ

- Update on Federal Working Group
- Understanding the Basics of Portals & Access Issues → what are the different options available?
- Convincing your tribal council that it is okay to release information to NCIC

Plenary VI

3:30 – 4:30 p.m. **Protective Orders: A Discussion on Full Faith & Credit and Enforcement**
Facilitator: *Hon. Steve Aycock*, Judge-in-Residence, NCJFCJ

Plenary VII

4:30 – 5:00 p.m. **Continuing the ITWG's purpose throughout the Pilot Project and Beyond**

- Next Steps
- Outreach
- Interest/need for a 4th In-Person Meeting in conjunction with (and prior to) 14th Annual National Indian Nations Conference: Justice For Victims of Crime (*tentatively scheduled* December 11-13, 2014 in California)
 - o If interest, what do ITWG participants want to see presented?

5:00 p.m. Adjourn & Safe Travels