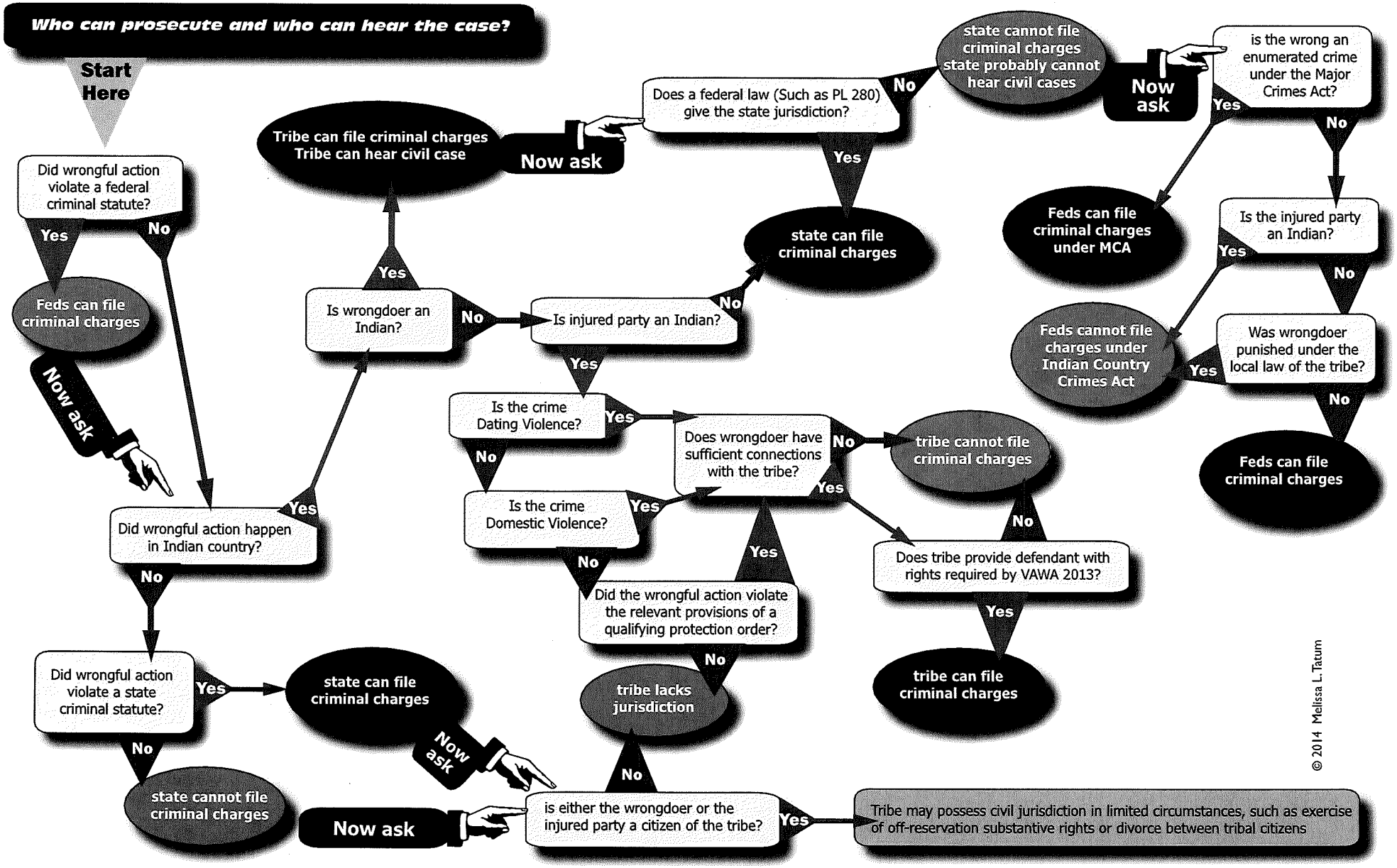
Who can prosecute and who can hear the case?
Start Here
Did wrongful action violate a federal criminal statute?
Yes
No
Feds can file criminal charges
Now ask
Did wrongful action happen in Indian country?
Yes
No
Is wrongdoer an Indian?
Yes
Tribe can file criminal charges
Tribe can hear civil case
Now ask
No
Is injured party an Indian?
No
Does a federal law (Such as PL 280) give the state jurisdiction?
No
state cannot file criminal charges
state probably cannot hear civil cases
Now ask
Yes
state can file criminal charges
Yes
Is the crime Dating Violence?
Yes
No
Is the crime Domestic Violence?
Yes
No
Does wrongdoer have sufficient connections with the tribe?
No
tribe cannot file criminal charges
Yes
Does tribe provide defendant with rights required by VAWA 2013?
No
Yes
tribe can file criminal charges
Did the wrongful action violate the relevant provisions of a qualifying protection order?
Yes
No
tribe lacks jurisdiction
No
is either the wrongdoer or the injured party a citizen of the tribe?
Yes
Tribe may possess civil jurisdiction in limited circumstances, such as exercise of off-reservation substantive rights or divorce between tribal citizens
Did wrongful action violate a state criminal statute?
Yes
state can file criminal charges
Now ask
No
state cannot file criminal charges
Now ask
is the wrong an enumerated crime under the Major Crimes Act?
Yes
Feds can file criminal charges under MCA
No
Is the injured party an Indian?
Yes
Feds cannot file charges under Indian Country Crimes Act
No
Was wrongdoer punished under the local law of the tribe?
Yes
Feds can file criminal charges
No
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