



U. S. Department of Justice

Office of the Associate Attorney General

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The Associate Attorney General

Washington, D.C. 20530

July 28, 2014

The Honorable Michael C. Geraghty  
Alaska Attorney General  
1031 West 4<sup>th</sup> Avenue, Suite 200  
Anchorage, Alaska 99501-5903

Via E-Mail to [Nancy.Korting@alaska.gov](mailto:Nancy.Korting@alaska.gov) and First-Class Mail

Dear Attorney General Geraghty:

I wanted to thank both you and Commissioner Folger again for taking the time to meet with me and my colleagues from the U.S. Department of Justice when we were in Anchorage on June 9. And I also wanted to thank you for your follow-up letter dated June 26. As you know, I am a strong believer in both cooperative Federal-State law enforcement and the kind of open and frank exchange that we all enjoyed at our meeting and in our correspondence.

I know you are committed to improving public safety and law enforcement in Alaska Native villages, and I particularly appreciated hearing you express support for Tribal courts' exercise of civil jurisdiction to improve public safety and thwart domestic violence.

I read with interest your letter listing six specific requests that might help further our shared goal of improved public safety for Alaska Natives. Each of your suggestions appears to require legislative changes or additional Federal funding, which the Department of Justice will explore while staying mindful of the constraints placed on us by the Federal budget, Congress's annual appropriations, and authorizing statutes. I am sure you agree, however, that there are steps we can take to improve public safety in Alaska Native villages that do not require new legislation or additional Federal appropriations, and I am eager to hear your thoughts on such measures.

I wanted to follow up on one specific, but important, point that you made during our conversation. You explained that, although Alaska State Troopers do enforce domestic-violence protection orders issued by Tribal courts, those orders must first be "registered" or "filed" in State court. You also stated that, occasionally, if confronted with an emergency or a person in

imminent danger, the Troopers will enforce a Tribal-court protection order without the formality of State-court registration or filing. But if the victim has not already formally filed her Tribal-court protection order in a State court, the Troopers ordinarily will neither formally recognize the order nor enforce it by making an arrest. These statements were consistent with views that you had expressed in a letter dated December 3, 2013, which is posted on your Web site at <http://www.law.state.ak.us/press/releases/2013/120613-TroyEid.html>.

As I mentioned during our meeting, however, that position, as you have articulated it, is inconsistent with Federal law, which requires enforcement of a Tribal-court protection orders *regardless* of whether those orders previously were registered or filed in State court. *See* 18 U.S.C. § 2265(d)(2). Indeed, so long as a protection order meets the other requirements of Section 2265 of the Federal Criminal Code, prior registration or filing in the state jurisdiction is not a prerequisite for state enforcement.

While Alaska statutes provide that protective orders that are filed with the clerk of court are state enforceable, Alaska law is silent about the enforceability of Tribal-court protection orders not filed or registered in the state. Yet Federal law expressly addresses this scenario, as noted above.

I am happy to discuss further with you and your Office ways in which we can bring Alaska law enforcement's approach to the enforcement of Tribal-court protection orders into compliance with Federal law. Additionally, if your Office is interested in Alaska-focused, Alaska-based training on this issue, I would be happy to connect you with the staffs of our Office on Violence Against Women and Office of Tribal Justice to discuss how the Justice Department might help facilitate such training.

I look forward to our continued collaboration on this and other initiatives to protect victims of violent crime and improve public safety in Alaska Native villages.

Sincerely,



Tony West

cc: The Honorable Lisa Murkowski, United States Senate  
The Honorable Mark Begich, United States Senate  
The Honorable Don Young, United States House of Representatives  
Ms. Karen L. Loeffler, United States Attorney for the District of Alaska  
Mr. Kip Knudson, Director of State/Federal Relations, Office of the Governor  
Commissioner Gary Folger, Alaska Department of Public Safety