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U.S. Department of Justice
Bureau of Justice Statistics

2014 National Survey of Tribal Court Systems:
Lower 48 Tribal Courts



INFORMATION SUPPLIED BY

TRIBAL COURT NAME

NAME

TITLE

TELEPHONE

Area Code

Number

Extension

FAX

Area Code

Number

EMAIL ADDRESS

OFFICIAL TRIBE NAME FOR REPORTED DATA

The information collected in this survey is vitally important for understanding the administrative and operational needs of your tribal court individually, but also helps in the planning for tribal justice systems across Indian Country.

DIRECTIONS

- Please review this survey in its entirety before completion, as several sections will require gathering administrative information from various components within the tribal justice system.
- Please consult with justice system, law enforcement, and finance department representatives as necessary to obtain information to complete the survey in its entirety.
- **INTERTRIBAL COURTS PLEASE NOTE:** Fill out a separate survey for each tribe that participates in the inter-tribal court or ensure that each participating tribe fills out its own survey.
- Your tribe's responses will not identify you individually. We ask for your name and contact information above in case any of the survey items need clarification.

UPON COMPLETION OF THE SURVEY

You may complete and submit your survey using any one of the following three options:

- Mail: NSTCS, c/o Kauffman & Associates, Inc, PO Box 15179, Washington, DC 20003-9998
- Fax: 301-588-6801
- Email: NSTCS@kauffmaninc.com

If you have questions or need assistance, you may call toll free and leave a message at 1-877-528-4025 or send an email message to NSTCS@kauffmaninc.com. A member of our survey administration team will respond promptly.

Thank you for your cooperation in this important data collection effort. Your responses are critically important to the success of this survey.

The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection. This request for information is in accordance with the clearance requirement of the Paperwork Reduction Act of 1980, as amended (44 USC 3507). The burden of this data collection is estimated to average 2.1 hours per response, including time to review instructions, gather the information needed, and enter and review the information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions on how to reduce this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, N.W., Washington, D.C. 20531. Do NOT send your completed survey to this address.

Section A: Tribal Justice Systems

This section gathers information on the various components of your tribal justice system, including law enforcement, the court, and corrections. Complete this section even if your tribe does not operate its own tribal court or does not participate in a consortium.

A.1 What was the total number of your enrolled tribal members during 2014 (including members living both on and off the reservation with official tribal membership)?

Check here if this is an estimate.

A.2 What was the total resident population (including members, nonmember Indians¹ and non-Indians) on your reservation, tribal land, or village during 2014?

Check here if this is an estimate.

A.3 Which law enforcement agencies provide a policing or criminal investigative function on your reservation, tribal land, tribal community, or village? (Select all that apply.)

a. Tribal: (Provide name of agency or agencies)

b. Bureau of Indian Affairs (BIA): (Provide name of agency or agencies)

c. Federal Law Enforcement other than BIA: (Provide name of agency or agencies)

d. State/county (including County Sheriff or State Troopers): (Provide name of agency or agencies)

¹"Nonmember Indian" describes an individual who is a member of a tribe other than the specific tribe completing this survey.

e. City: (Provide name of agency or agencies)

A.4 Is your tribe subject to Public Law 280 jurisdiction held by the state (either mandatory or optional)?

a. Yes

b. No

A.5 Which type(s) of tribal court system operates in your tribal jurisdiction? (Select all that apply.)

a. The tribe does not operate a tribal court

b. Indigenous or traditional court (for example: peacemaking, elder panel, circle sentencing)

c. Formal tribal court (a hearing presided over by a judge or magistrate)

d. Tribal council serving as the judiciary

e. Intertribal court system: (Provide the name of all the individual tribes included in this system)

f. Joint jurisdiction court (tribal-state court)²: (Provide name of court)

g. Bureau of Indian Affairs (BIA)/Court of Federal Regulation or Court of Indian Offenses (CFR)

h. Other: (Please describe)

²A joint-power agreement between tribal and state governments whereby both entities work collaboratively toward shared goals of improving access to justice, fostering public trust and increasing accountability.

A.6 Does your tribe operate an indigenous traditional justice system, either independent of or as part of its tribal court system? (Select all that apply.)

- a. An indigenous or traditional justice system is not operated by (or on behalf of) the tribe.
- b. Peacemaking
- c. Elder panel
- d. Circle sentencing
- e. Other traditional justice system: (Please describe)

NOTE: If your tribe does not operate a tribal court or participate in an inter-tribal court system **STOP HERE. DO NOT** complete the rest of the survey. Please follow the directions on the cover page to return completed portions of the survey. Thank you for your participation.

Section B: Tribal Court Administration

The term “tribal court” or “tribal court system” is used to denote or refer to the type of justice institution operated by your tribe. The remaining sections of this survey apply to your tribal court system.

DIRECTIONS: For survey items requesting case count information, please provide the total number of cases filed by your tribal court during the calendar year 2014. Use the following definition to determine case numbers:

A filed case is a set of all charges against a single defendant filed with the court on a single day. A case with three defendants should be counted as three cases, but a case with one defendant with multiple charges should be counted as one case.

NOTE: If you are unable to provide the actual case count number, please provide your best estimate.

If the case count is none, enter “0” as your answer.

If you do not track this information, please check the “Do not track these case numbers” checkbox.

B.1 How long (in years) has your tribal court been operational?

Number of years:

B.2 Under what authority was your tribal court created? (Select all that apply.)

- a. Inherent sovereign authority
- b. Specifically authorized in the tribal constitution
- c. Created by tribal statute, resolution, or ordinance

d. Other: (Please describe) _____

Items B3–B4 pertain to civil matters³ only.

B.3 Does your tribal court exercise civil jurisdiction?

- a. Yes
- b. No (**GO TO ITEM B5**)

B.4 How many civil cases were **filed** in your tribal court in calendar year 2014?

a. Traffic cases:

Do not track these case numbers

b. Non-traffic cases:

Do not track these case numbers

Items B5–B9 pertain to criminal matters⁴ only.

B.5 Does your tribal court currently exercise criminal jurisdiction?

- a. Yes
- b. No (**GO TO ITEM B15**)

B.6 Over what type(s) of defendant does your tribal court exercise criminal jurisdiction? (Select all that apply.)

- a. Tribal members
- b. Nonmember Indians
- c. Non-Indians (defendant consenting to tribal jurisdiction or DOJ-approved Pilot Project Tribe)⁵

B.7 What was the total number of criminal cases **filed** in your tribal court in calendar year 2014?

Do not track these case numbers

B.8 How many of these criminal cases **filed** in your tribal court in calendar year 2014 involved a non-Indian defendant (defendant consenting to tribal jurisdiction or DOJ-approved Pilot Project Tribe)?

Do not track these case numbers

³Civil matters are noncriminal matters—such as contract disputes or damages for destruction of personal property—involving individuals or organizations. It is brought to enforce a right or redress.

⁴Criminal matters have to do with the law of crimes and illegal conduct. A criminal action is the procedure by which a person is accused of a crime, is brought to trial, and given punishment.

⁵DOJ Pilot Project Tribes are those tribes designated by the Department of Justice approval to exercise VAWA's special domestic violence criminal jurisdiction as a pilot project tribe as set forth in Section 908 of VAWA 2013 Reauthorization (Public Law 113-4) prior to the March 7, 2015 general applicability date.

B.9 During 2014, excluding juveniles, what was the total number of defendants sentenced to the following? (Write "N/A" for your answer if this does not apply.)

a. Jail or prison terms

b. Probation without jail or prison terms

B.10 How many convictions for DUI/DWI offenses were issued by your tribal court in calendar year 2014? (If your justice system does not handle DUI/DWI offenses. (Write "N/A" for your answer.)

DUI/DWI Offenses:

B.11 What are the available sanctions issued by the tribal court for DUI/DWI convictions? (Select all that apply.)

- a. Revoke driving privileges on the reservation only
- b. Suspension of driving privileges in the entire state, including reservation
- c. Counseling
- d. Fines
- e. Jail
- f. Other: (Please describe) _____

B.12 Does your tribal court share DUI/DWI conviction information with state administering agencies (for example: the Motor Vehicle Authority, DMV, etc.)?

- a. Yes
- b. No

B.13 Which of the following does your tribal court recognize as acceptable evidence to determine Blood Alcohol Content (BAC)? (Select all that apply)

- a. Breathalyzer
- b. Blood tests
- c. Standardized Field Sobriety Test (SFST)
- d. Implied Consent
- e. Other (Please describe) _____

B.14 In 2014, did your tribal court permit the use of any DNA evidence during a criminal proceeding?

- a. Yes
- b. No

B.15 What are the various mechanisms by which tribal laws and codes are made available to the public? (Select all that apply.)

- a. Tribal laws and codes are not made available to the public.
- b. Paper copies are available in the tribal office, library, or other location.
- c. Electronic versions are provided in a password-protected file.
- d. Electronic copies can be downloaded from the tribal website.
- e. Electronic copies can be downloaded from a host site (for example: NARF, VERSUS, or the Tribal Court Clearinghouse).
- f. Electronic copies are available on commercial websites (for example: Westlaw).
- g. Other: (Please describe) _____

B.16 Has your tribe established or does it have formalized plans to establish a tribal bar association?

- a. Yes, the tribe has a tribal bar association
- b. Yes, the tribe has formal plans to establish a tribal bar association
- c. No, the tribe has no plans to establish a tribal bar association

Items B17–B23 pertain to juries only.

B.17 Does your tribal court provide defendants the right to a trial by jury?

- a. Yes
- b. No (**GO TO SECTION C**)

B.18 What are the qualifications for jury service? (Select all that apply.)

- a. Tribal member
- b. Language requirement (for example: fluency in English or tribal language)
- c. No felony convictions
- d. Residency requirement (for example: must live on reservation)
- e. Minimum age: (Please specify)
- f. Maximum age: (Please specify)
- g. Other: (Please describe) _____

B.19 What is the standard number of jurors used by your tribal court? (If jurors are not used for the type of trial listed, write "N/A" for your answer.)

a. In criminal trials:

b. In civil trials:

B.20 Does your jury pool for criminal proceedings include nonmember Indians?

- a. Yes
- b. No
- c. Not applicable

B.21 Does your jury pool for criminal proceedings include non-Indians?

- a. Yes
- b. No
- c. Not applicable

B.22 Does your jury pool for civil proceedings include nonmember Indians?

- a. Yes
- b. No
- c. Not applicable

B.23 Does your jury pool for civil proceedings include non-Indians?

- a. Yes
- b. No
- c. Not applicable

Section C. Appellate System

DIRECTIONS: For survey items requesting case count information, please provide the total number of cases filed by your tribal court during the calendar year 2014. Use the following definition to determine case numbers:

A filed case is a set of all charges against a single defendant filed with the court on a single day. A case with three defendants should be counted as three cases, but a case with one defendant with multiple charges should be counted as one case.

NOTE: If you are unable to provide the actual case count number, please provide your best estimate.

If the case count is none, enter "0" as your answer.

If you do not track this information, please check the "Do not track these case numbers" checkbox.

C.1 Does your justice system have a court of appeals, participate in an inter-tribal appellate court, or otherwise have an appellate process?

- a. Yes (Please provide the official name of the highest court of appeals. For example: Indian Court of Appeals)

- b. No (**GO TO SECTION D**)

C.2 How many individual judges hear each appellate court case? (If your tribal court does not use an appellate court, enter "N/A." **NOTE:** If more than one level of appellate court is in operation, respond for the court of last resort only.)

- Check if court of last resort.

C.3 Does your tribal council or chief executive have the authority to review and overturn decisions made by your tribal court?

- a. Yes
- b. No

C.4 How many appellate cases were **filed** in your tribal court in the calendar year 2014?

a. Criminal

- Do not track these case numbers

b. Civil

- Do not track these case numbers

Section D: Tribal Court System Operations

D.1 How often does your tribal court hold sessions or hear cases?

- a. Daily
- b. Once a week
- c. More than once a week
- d. Once a month
- e. More than once a month
- f. Other: (Please describe) _____

D.2 Please indicate whether your tribal court budget is on a fiscal or calendar year cycle.

a. Tribal fiscal year. (Please enter the start and end dates of the 2014 fiscal year.)

_____ to _____
 mm dd yyyy mm dd yyyy

b. Calendar year

D.3 During 2014, what was the operational budget of your tribal court for adjudication functions, excluding capital outlays for construction?⁶ (If you are unable to provide the actual number please provide your best estimate.)

\$ _____

D.4 Did any of the following sources funding for your tribal court operations during 2014?

| Source | Yes | No |
|--|--------------------------|--------------------------|
| a. Tribal appropriations | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Self-Governance Compact | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Public Law 93-638 Contract | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Other BIA funding | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Coordinated Tribal Assistance Solicitation (CTAS) funding from the U.S. Department of Justice (DOJ) | <input type="checkbox"/> | <input type="checkbox"/> |
| f. DOJ grants, other than CTAS funding | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Substance Abuse and Mental Health Services Administration (SAMHSA) | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Other federal funding | <input type="checkbox"/> | <input type="checkbox"/> |
| i. State funding | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Private foundations | <input type="checkbox"/> | <input type="checkbox"/> |
| k. Fines and other court costs | <input type="checkbox"/> | <input type="checkbox"/> |
| l. Other grant funding: (Please describe) | <input type="checkbox"/> | <input type="checkbox"/> |
| m. Other: (Please describe) | <input type="checkbox"/> | <input type="checkbox"/> |

⁶Operating expenditures or budgets are defined as all recurring fixed and variable costs associated with the management and administration of your system. It does not include non-recurring fixed capital costs such as building construction and major equipment purchases.

D.5 Were any of the following positions and services funded totally or in part by your tribal court's operating budget in 2014?

| Core court positions and services | Yes | No |
|--|--------------------------|--------------------------|
| a. Judges (law school graduate) | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Judges (non-law school graduate) | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Prosecution/prosecutor (law school graduate) | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Prosecution/prosecutor (non-law school graduate) | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Indigent defense services/public defender (law school graduate) | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Indigent defense services/public defender (non-law school graduate) | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Administration/court clerks | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Bailiffs | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Probation/parole | <input type="checkbox"/> | <input type="checkbox"/> |
| j. Law clerks | <input type="checkbox"/> | <input type="checkbox"/> |
| k. Court staff attorney | <input type="checkbox"/> | <input type="checkbox"/> |
| l. ICWA worker (child welfare)* | <input type="checkbox"/> | <input type="checkbox"/> |
| m. Juvenile services | <input type="checkbox"/> | <input type="checkbox"/> |
| n. Mental health treatment | <input type="checkbox"/> | <input type="checkbox"/> |
| o. Alcohol and drug treatment | <input type="checkbox"/> | <input type="checkbox"/> |
| p. Electronic monitoring program | <input type="checkbox"/> | <input type="checkbox"/> |
| q. Victim services/victim assistance services | <input type="checkbox"/> | <input type="checkbox"/> |
| r. Alternative to incarceration programming and/or staff | <input type="checkbox"/> | <input type="checkbox"/> |

*The Indian Child Welfare Act, 25 U.S.C. § 1902.

D.6 Which qualifications are required in order to serve as a trial or appellate court judge? (Select all that apply.)

| | Trial judges | Appellate court judges (including supreme court judges) |
|--|--------------------------|---|
| a. Tribal member | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Age minimum or maximum | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Proficiency in native language | <input type="checkbox"/> | <input type="checkbox"/> |
| d. No felony conviction | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Residency requirement | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Accredited law school graduate | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Member of state bar/ licensed to practice law by state | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Member of tribal bar/ licensed to practice law by tribe | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Admitted to practice in federal court | <input type="checkbox"/> | <input type="checkbox"/> |
| j. No requirements for position | <input type="checkbox"/> | <input type="checkbox"/> |

D.7 How many of the following types of personnel were employed in your tribal court in calendar year 2014?

NOTE: "Part-time" refers to any employee who works fewer than 40 hours per week and includes job sharing. If you are unable to provide the actual number, provide your best estimate. If none, enter "0." If a particular position does not exist in your court, enter "N/A."

| Staff position | Number of court employees or consultants | | |
|--|--|----------------|----------------------------|
| | Full-time paid | Part-time paid | Volunteer/unpaid appointee |
| a. Trial judge (law school graduate) | | | |
| b. Trial judge (non-law school graduate) | | | |
| c. Appellate court judge (law school graduate) | | | |
| d. Appellate court judge (non-law school graduate) | | | |
| e. Parole or probation officer | | | |
| f. Pretrial services staff | | | |
| g. Community resources specialist | | | |
| h. Court administrator | | | |
| i. Court clerk | | | |
| j. Court reporter | | | |
| k. Staff attorney (does not include prosecutor or public defender) | | | |
| l. Law clerk | | | |
| m. Tribal elder/peacemaker/other traditional forum staff | | | |
| n. Support staff | | | |
| o. Other: <i>(Please describe)</i> | | | |
| p. TOTAL NUMBER OF EMPLOYEES | | | |

D.8 How are the following justice system personnel selected for these positions? *(Select all that apply.)*

| Staff position | Appointed | Elected | Hired under contract | Hired as a tribal employee |
|--------------------------|--------------------------|--------------------------|--------------------------|----------------------------|
| a. Trial judge | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Appellate court judge | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Court administrator | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Clerk of the court | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

D.9 How long, in years, is the term of office for each of the following justice system personnel?

NOTE: If the position is a lifetime appointment, write "L" as your answer. If the position is served at the pleasure of tribal leadership/council, write "P" as your answer. If your tribal court does not utilize the position, write "N/A" as your answer.

| | Length of term (in years) |
|--|---------------------------|
| a. Chief trial court judge | |
| b. Trial court judge | |
| c. Appellate court judge | |
| d. Supreme court (tribal court of last resort) justice | |

D.10 Does your tribal court currently have a victim service program?

- a. Yes
- b. No (**GO TO ITEM D12**)

D.11 During 2014, did your tribal court receive federal and/or state funding for victim services or programs? *(Select all that apply.)*

- a. Federal
- b. State
- c. No outside funding was received.

D.12 Does your tribal court rely on county or local government social service agencies for court-ordered treatment in juvenile and/or family cases?

- a. Yes
- b. No

Section E: Tribal Prosecution

E.1 Does your tribal court currently have a tribal prosecutor or prosecutor's office?

- a. Yes
- b. No (**GO TO ITEM E5**)

E.2 Which qualifications are required in order to serve as a chief or assistant prosecutor? (Select all that apply.)

| | Chief prosecutor | Assistant prosecutor |
|---|--------------------------|--------------------------|
| a. Tribal member | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Age minimum or maximum | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Proficiency in native language | <input type="checkbox"/> | <input type="checkbox"/> |
| d. No felony conviction | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Residency requirement | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Accredited law school graduate | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Member of state bar/ licensed to practice law by state | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Member of tribal bar/ licensed to practice law by tribe | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Admitted to practice in federal court | <input type="checkbox"/> | <input type="checkbox"/> |
| j. No requirements for position | <input type="checkbox"/> | <input type="checkbox"/> |

E.3 How are the following prosecutor's office personnel selected for these positions? (Select all that apply.)

| | Appointed | Elected | Hired under contract | Hired as tribal employee |
|-------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| a. Chief prosecutor | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Assistant prosecutor | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

E.4 How many prosecutors were employed in your tribal court in calendar year 2014?

NOTE: "Part-time" refers to any employee who works fewer than 40 hours per week and includes job sharing. If you are unable to provide the actual number, provide your best estimate. If none, enter "0." If a particular position does not exist in your court, enter "N/A."

| | Full-time | Part-time | Volunteer/ unpaid appointee |
|--|-----------|-----------|--------------------------------|
| a. Prosecutors (law school graduate) | | | |
| b. Prosecutors (non-law school graduate) | | | |
| c. TOTAL NUMBER OF PROSECUTORS | | | |

E.5 Does your tribe have a contract with a local or private attorney to provide prosecution services?

- a. Yes
- b. No

Section F: Public Defense and Civil Legal Services

F.1 Does your justice system currently have a tribal public defender or defense office?

- a. Yes
- b. No (**GO TO ITEM F5**)

F.2 How many public defenders were employed in your tribal court in calendar year 2014?

NOTE: "Part-time" refers to any employee who works fewer than 40 hours per week and includes job sharing. If you are unable to provide the actual number, provide your best estimate. If none, enter "0." If a particular position does not exist in your court, enter "N/A."

| | Full-time | Part-time | Volunteer/ unpaid appointee |
|---|-----------|-----------|--------------------------------|
| a. Public defenders (law school graduate) | | | |
| b. Public defenders (non-law school graduate) | | | |
| c. TOTAL NUMBER OF PUBLIC DEFENDERS | | | |

F.3 Which qualifications are required in order to serve in the following tribal court positions? (Select all that apply.)

| | Chief public defender | Assistant public defender | Lay advocate |
|---|--------------------------|---------------------------|--------------------------|
| a. Tribal member | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Age minimum or maximum | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Proficiency in native language | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. No felony conviction | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Residency requirement | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Accredited law school graduate | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Member of state bar/ licensed to practice law by state | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| h. Member of tribal bar/ licensed to practice law by tribe | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| i. Admitted to practice in federal court | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| j. No requirements for position | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

F.4 How are the following public defense office personnel selected for these positions? *(Select all that apply.)*

| | Appointed | Elected | Hired Under Contract | Hired as a Tribal Employee |
|------------------------------|--------------------------|--------------------------|--------------------------|----------------------------|
| a. Chief public defender | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Assistant public defender | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

F.5 Does your tribe have a contract with a local or private attorney to provide public defense or indigent services?

- a. Yes
- b. No

F.6 To whom does your tribe provide free criminal defense services? *(Select all that apply.)*

- a. Tribe does not provide free criminal defense services. **(GO TO ITEM F9)**
- b. Tribal members
- c. Nonmember Indians
- d. Non-Indians
- e. Other: *(Please describe)* _____

F.7 Are free criminal defense services based on income scale and ability to pay?

- a. Yes
- b. No

F.8 Who delivers your tribe's free criminal defense services? *(Select all that apply.)*

- a. Tribal public defender program (fixed staff)
- b. Assigned defender (appointed from a list of private bar members who accept cases on a judge-by-judge basis, court-by-court basis, or case-by-case basis)
- c. Contract counsel (nonsalaried private bar members who contract with the tribal court to provide court appointed representation in a jurisdiction)
- d. A neighboring tribal legal services program
- e. A non-profit legal services program, including Indian Legal Services
- f. A private law firm or office pro bono program
- g. Other: *(Please describe)* _____

F.9 Does your tribe provide access to free civil legal services for a tribal court appearance?

- a. Yes
- b. No **(GO TO SECTION G)**

F.10 Are free civil legal services criteria based on income scale and ability to pay?

- a. Yes
- b. No

F.11 Who delivers your tribe's free civil legal services? *(Select all that apply.)*

- a. Tribal public defender program (fixed staff)
- b. Assigned defender (appointed from a list of private bar members who accept cases on a judge-by-judge basis, court-by-court basis, or case-by-case basis)
- c. Contract counsel (nonsalaried private bar members who contract with the tribal court to provide court appointed representation in a jurisdiction)
- d. A neighboring tribal-legal services program
- e. A non-profit legal services program, including Indian Legal Services
- f. A private law firm or office pro bono program
- g. Other: *(Please describe)* _____

Section G: Pretrial, Probation and Reentry Programs and Services

G.1 Does your tribal court operate a pre-trial diversion program?⁷

- a. Yes
- b. No **(GO TO ITEM G3)**

G.2 Does your tribal court provide a diversion program alternative prior to formally charging the defendant with a crime?

- a. Yes
- b. No

⁷Pre-trial diversion (PTD) is an alternative to prosecution which seeks to divert certain offenders from traditional criminal justice processing into a program of supervision and services. In the majority of cases, offenders are diverted at the pre-charge stage. Participants who successfully complete the program will not be charged or, if charged, will have the charges against them dismissed; unsuccessful participants are returned for prosecution.

G.3 Does your tribal court operate a pre-trial release program?⁸

- a. Yes
- b. No (**GO TO ITEM G5**)

G.4 Which of the following options are provided by your tribal court regarding the release of a defendant from detention prior to trial? (*Select all that apply.*)

- a. Release on your own recognizance (ROR)
- b. Bail
- c. Held pending further hearing or trial
- d. Other: (*Please describe*) _____

Items G5–G12 pertain to your tribal justice system’s probation program only.

G.5 Does your tribal court have a probation program?

- a. Yes
- b. No (**GO TO ITEM G13**)

G.6 Who supervises individuals placed on community supervision by the tribal court? (*Select all that apply.*)

- a. A probation officer
- b. A member of the community (for example: an elder)
- c. A member of the probationer’s family
- d. Tribal court judge
- e. Prosecutor
- f. Court administrator
- g. Nobody; we have unsupervised probation.
- h. Tribal police officer
- i. Other: (*Please describe*) _____

⁸Pre-trial release (PTR) is the process of a defendant being released before trial, with or without conditions. A defendant may be released on his or her own recognizance or released on non-financial conditions that require monitoring the defendant in the community. Non-financial conditions may include regular contact with a pre-trial services program, drug testing, curfew, or electronic monitoring.

G.7 How is your tribal justice system’s probation department funded? (*Select all that apply.*)

- a. Federal grant program(s)
- b. Non-federal grant program(s)
- c. Tribal budget
- d. Other: (*Please describe*) _____

G.8 Who oversees the probation function in your community?

- a. Tribal court
- b. Law enforcement
- c. Probation is its own department within the tribal justice system.
- d. Corrections
- e. Other: (*Please describe*) _____

G.9 How many probation officers does your tribal justice system employ? (*Include combined total for full- and part-time*)

If no probation officers are employed, enter “0” as your answer.

G.10 With which non-tribal jurisdiction(s) does your tribal probation program work to supervise individuals who are on community supervision from federal, state, or local systems? (*Select all that apply.*)

- a. Federal probation
- b. State probation
- c. Local/municipal probation
- d. Tribal probation program does not work with any non-tribal jurisdictions in this area.

G.11 Which of the following does your probation program complete and submit to the tribal court? (*Select all that apply.*)

- a. Presentence investigation report
- b. Presentence recommendations
- c. Monthly or periodic case updates
- d. Violation reports
- e. Other: (*Please describe*) _____

G.12 What was the total number of probation cases that were active (both new and on-going) during 2014?

Do not track these case numbers

Items G13–G16 pertain to your tribal justice system's reentry program only.

G.13 Does your tribal justice system supervise individuals coming out of placement in a secure facility (e.g., federal or state detention facility)?

a. Yes

b. No (**GO TO SECTION H**)

G.14 With which facilities does your justice system work on reentry supervision? (Select all that apply.)

a. Federal facilities

b. State facilities

c. County/municipal facilities

d. Tribal facilities (within the tribe)

e. Tribal facilities (outside of the tribe)

f. Other: (Please describe) _____

G.15 Does your tribal justice system operate a formal reentry program involved in assisting tribal members planning to return to your community?

a. Yes

b. No

G.16 Does your community have transitional living facilities to assist tribal members returning to the community?

a. Yes

b. No

Section H. Juvenile Cases

DIRECTIONS: For survey items requesting case count information, please provide the total number of cases filed in your tribal court during the calendar year 2014. Use the following definition to determine case numbers:

A filed case is a set of all charges against a single defendant filed with the court on a single day. A case with three defendants should be counted as three cases, but a case with one defendant with multiple charges should be counted as one case.

NOTE: If you are unable to provide the actual case count number, please provide your best estimate.

If the case count is none, enter "0" as your answer.

If you do not track this information, please check the "Do not track these case numbers" checkbox.

H.1 Which type(s) of juvenile law-violating cases does your tribal court handle? (Select all that apply.)

a. Tribal court does not handle juvenile law-violating cases. (**GO TO ITEM H10**)

b. Juvenile delinquency⁹

c. Status offense¹⁰ (for example: underage drinking, tobacco smoking, truancy, running away)

d. All juvenile law-violating cases are treated as juvenile dependency or child in need of care matters.

e. Other: (Please describe) _____

H.2 How many juvenile law-violating cases were **filed** in calendar year 2014?

a. Juvenile delinquency cases

Do not track these case numbers

b. Juvenile status offense cases (for example: underage drinking, tobacco smoking, truancy, running away)

Do not track these case numbers

H.3 During 2014, what was the total number of juveniles sentenced to the following? (Write "N/A" for your answer if this does not apply.)

a. Incarceration

b. Probation without incarceration

H.4 To which juveniles does your tribe provide free legal representation services in juvenile law-violating cases? (Select all that apply.)

a. Tribe does not provide free legal representation services in juvenile law-violating cases. (**GO TO ITEM H7**)

b. Tribal member juveniles

c. Nonmember Indian juveniles

d. Non-Indian juveniles

⁹Acts committed by a juvenile that would be considered a criminal offense if committed by an adult.

¹⁰25 CFR § 11.900(m) - Status offense means an offense which, if committed by an adult, would not be designated a crime under this part or under an ordinance of the tribe.

H.5 Are the criteria for free legal representation services in juvenile law-violating cases based on income scale and the family's ability to pay?

- a. Yes
- b. No

H.6 Who provides free legal representation in juvenile law-violating cases? *(Select all that apply.)*

- a. Tribal public defender program (fixed staff)
- b. Assigned defender (appointed from a list of private bar members who accept cases on a judge-by-judge basis, court-by-court basis, or case-by-case basis)
- c. Contract counsel (nonsalaried private bar members who contract with the tribal court to provide court appointed representation in a jurisdiction)
- d. A neighboring tribal-legal services program
- e. A non-profit legal services program, including Indian Legal Services
- f. A private law firm or office pro bono program
- g. Other: *(Please describe)* _____

H.7 Excluding incarceration, which of the following sentencing options does your tribal court use in sentencing juveniles for law-violations. *(Select all that apply.)*

- a. No other sentencing options
- b. Drug or alcohol rehabilitation; random drug testing
- c. Mental health assessment; counseling or therapy
- d. Community service (for example: litter removal from highways, community testimonials about underage drinking or drug abuse)
- e. Fine; restitution
- f. Victim-offender reconciliation (victim-offender dialogue)
- g. Electronic monitoring (For example: house detention, alcohol monitoring bracelet)
- h. Cultural or traditional alternatives
- i. Placement in a familial or foster home
- j. Probation

k. Curfew

l. Other: *(Please describe)* _____

H.8 Does your tribal court handle juvenile law-violating cases jointly with the state court (for example: through a diversion program)?

- a. Yes
- b. No

H.9 Does your tribal court maintain a probation or parole function for juveniles?

- a. Yes
- b. No

H.10 Does your tribe have or provide access to a reentry program for tribal juveniles who have been incarcerated?

- a. Yes
- b. No

Items H11–H15 pertain to child welfare or dependency matters only.

H.11 Which type(s) of Indian child welfare or dependency matters¹¹ does your tribal court handle? *(Select all that apply.)*

- a. Tribal court does not handle Indian child welfare or dependency matters. **(GO TO SECTION I)**
- b. Child abuse or neglect
- c. Foster care placements
- d. Termination of parental rights
- e. Pre-adoptive placements
- f. Adoptive placements
- g. Guardianship
- h. Other: *(Please describe)* _____

H.12 How many child welfare or dependency cases were **filed** in your tribal court in calendar year 2014?

Do not track these case numbers

H.13 How many Indian Child Welfare Act (ICWA) cases were transferred from a state court to the tribal court in calendar year 2014?

Do not track these case numbers

¹¹For example: Child in Need of Protection or Child in Need of Aid cases.

- H.14 Who provides free civil legal representation to juveniles in dependency matters?
- a. Tribe does not provide free legal representation services to juveniles in dependency matters.
 - b. Tribal public defender program (fixed staff)
 - c. Assigned defender (appointed from a list of private bar members who accept cases on a judge-by-judge basis, court-by-court basis, or case-by-case basis)
 - d. Contract counsel (nonsalaried private bar members who contract with the tribal court to provide court appointed representation in a jurisdiction)
 - e. A neighboring tribal-legal services program
 - f. A non-profit legal services program, including Indian Legal Services
 - g. A private law firm or office pro bono program
 - h. Other: *(Please describe)* _____

- H.15 Do children in child welfare or dependency cases have access to Guardian Ad Litem (GAL) and/or Court Appointed Special Advocate (CASA) services?
- a. GAL only
 - b. CASA only
 - c. Both GAL and CASA
 - d. No access to either service

Section I: Domestic Violence and Protection Orders

DIRECTIONS: For survey items requesting case count information, please provide the total number of cases filed by your tribal court during the calendar year 2014. Use the following definition to determine case numbers:

A filed case is a set of all charges against a single defendant filed in the court on a single day. A case with three defendants should be counted as three cases, but a case with one defendant with multiple charges should be counted as one case.

NOTE: If you are unable to provide the actual case count number, please provide your best estimate.

If the case count is none, enter "0" as your answer.

If you do not track this information, please check the "Do not track these case numbers" checkbox.

- I.1 Does your tribal court issue restraining orders and/or protection orders to protect someone from another person committing the following acts? *(Select all that apply.)*
- a. Tribal court does not issue restraining orders and/or protection orders. **(GO TO ITEM I6)**
 - b. Sexual violence
 - c. Violent or physical act
 - d. Threatening act
 - e. Harassment
 - f. Contact or communication with the victim
 - g. Physical proximity to another person
 - h. Stalking
- I.2 How many restraining orders and/or protection orders did your tribal court issue in the calendar year 2014?
-
- Do not track these numbers
- I.3 Does the state(s) in which your tribe is located recognize restraining orders and/or protection orders issued from the tribal court?
- a. Yes
 - b. No
 - c. Not sure/do not know
- I.4 Does the tribal court enforce violations of valid state or other tribal court-issued protection orders occurring on the reservation as if it were the tribal court's own order?
- a. Yes
 - b. No
 - c. Not sure/do not know
- I.5 During 2014, how many criminal convictions for violation of protection orders issued by your court?
-
- Do not track these numbers
- I.6 How many domestic violence cases were **filed** in your tribal court in calendar year 2014?¹²
-
- Do not track these case numbers

¹²Domestic violence refers to violence between married or cohabiting couples, as well as violence against other members of the offender's household, such as children, siblings, parents, elderly relatives, or other family members of current or past intimate partners.

I.7 Did your tribal court receive any federal or state grants and/or funding for domestic violence programming in calendar year 2014?

| | Yes | No |
|--------------------|--------------------------|--------------------------|
| a. Federal funding | <input type="checkbox"/> | <input type="checkbox"/> |
| b. State funding | <input type="checkbox"/> | <input type="checkbox"/> |

Section J. Enhanced Sentencing Authority

The questions in this section relate to the Tribal Law and Order Act¹³ (TLOA). Some of the provisions of Section 234 in TLOA provide for enhanced sentencing authority for Indian tribes, but also include several requirements—many related to indigent defense or public defenders—that must be fulfilled before the authority may be exercised.

J.1 Does your tribe currently exercise the enhanced sentencing authority provided by TLOA (including the authority to sentence defendants to 3 years of incarceration and up to \$15,000 in fines)?

- a. Yes (**GO TO J3**)
- b. No

¹³Tribal Law and Order Act, of 2010, 25 U.S.C. § 2802 (2010).

J.2 If no, indicate which factors, if any, your tribe has identified as preventing it from exercising the enhanced sentencing authority under TLOA. (*Select all that apply.*)

- a. There are no factors preventing the exercising of enhanced sentencing authority under TLOA.
- b. Tribe does not currently exercise criminal jurisdiction.
- c. Requires a change in tribal constitution or code
- d. Requires Tribal Council to pass a resolution in favor of implementation
- e. Requires qualified staff training and/or licensing (for example: judge, defense attorney)
- f. Requires ability to record court proceedings
- g. Requires additional technical assistance or training
- h. Requires additional funding for program implementation
- i. Requires building a detention facility
- j. Requires expanding an existing detention facility
- k. Other: (*Please describe*) _____

J.3 Please indicate whether your tribe currently meets each of the following TLOA enhanced sentencing authority requirements.

| Requirements | Yes | No | Unsure/do not know |
|--|--------------------------|--------------------------|--------------------------|
| a. Tribal government provides a defense attorney to an indigent defendant. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. The defense attorney (provided to the indigent defendant by the tribal government) is "licensed to practice by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys." | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Judges presiding over criminal proceedings subject to enhanced sentencing have "sufficient legal training to preside over criminal trials" subject to enhanced sentencing. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Any judges presiding over criminal proceedings subject to enhanced sentencing are "licensed to practice law by any jurisdiction in the United States." | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. The tribe's criminal law, rules of evidence, and rules of criminal procedure are made available to the public prior to charging the defendant. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Tribal court "maintains a record of the criminal proceeding, including an audio or other recording." | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Defendant is sentenced to a facility that passes the BIA jail standards for enhanced sentencing authority for more than one year (including the Bureau of Prisons Pilot Program). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

J.4 How does your tribal court system record court proceedings? *(Select all that apply.)*

- a. We do not record court proceedings.
- b. Steno type (a court reporter)
- c. Audio recording
- d. Video recording
- e. Other: *(Please describe)* _____

J.5 Excluding incarceration, which of the following alternative criminal sentencing options does your tribal court currently use for **adults**? *(Select all that apply.)*

- a. No other sentencing options
- b. Drug or alcohol rehabilitation; random drug testing
- c. Mental health assessment; counseling and therapy
- d. Community service (for example: litter removal from highways, community testimonials about DWI or drinking)
- e. Fine; restitution
- f. Victim-offender reconciliation (victim-offender dialogue)
- g. Electronic monitoring (For example: alcohol monitoring bracelet)
- h. Probation
- i. Provide DNA samples for testing and inclusion in CODIS
- j. Sex offender registration
- k. Referral for Veterans Administration resources
- l. Culturally based and traditional alternatives
- m. Day reporting; day treatment program
- n. Employment; vocational rehabilitation program
- o. Individual, group or family counseling
- p. Parenting education
- q. Transitional living services or support
- r. Other: *(Please describe)* _____

J.6 Please indicate the types of alternatives to incarceration programs (other than probation) that your tribal justice system currently operates. *(Select all that apply.)*

- a. Day reporting; day treatment
- b. Electronic monitoring (e.g., alcohol monitoring bracelet)
- c. Community service program
- d. Mentoring
- e. Mediation; dispute resolution
- f. Home detention
- g. Halfway house; transitional living
- h. Work or school release
- i. Specialty court: Teen court
- j. Specialty court: Veterans court
- k. Specialty court: Drug court or Healing to Wellness court
- l. Specialty court: Domestic violence court
- m. Specialty court: Other: *(Please describe)* _____

Section K: Information Systems Access and Data Entry

K.1 From what agencies/entities does your tribal court access electronic data and to what agencies/entities does your tribal court transmit electronic data? *(Select all that apply.)*

| | Court accesses electronic data from | Court transmits electronic data to |
|---|-------------------------------------|------------------------------------|
| a. Local justice agency (county or city) | <input type="checkbox"/> | <input type="checkbox"/> |
| b. State justice agency | <input type="checkbox"/> | <input type="checkbox"/> |
| c. FBI Criminal Justice Information Services (CJIS) | <input type="checkbox"/> | <input type="checkbox"/> |
| d. BIA Office of Justice Services | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Other tribes | <input type="checkbox"/> | <input type="checkbox"/> |
| f. Other: <i>(Please describe)</i> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. None of the above | <input type="checkbox"/> | <input type="checkbox"/> |

K.2 What method(s) does your tribal court use to manage cases? *(Select all that apply.)*

- a. Paper files
- b. Basic spreadsheets (for example: Excel, Access)
- c. Basic text files (for example: Word, WordPerfect)
- d. An automated case management system
- e. Other: *(Please describe)* _____

K.3 With which of the following is your tribal court electronically networked for the purpose of transmitting criminal justice information? *(Select all that apply)*

| | |
|--|--------------------------|
| a. Justice agencies within your tribe | <input type="checkbox"/> |
| b. Justice agencies within other tribes | <input type="checkbox"/> |
| c. Other justice agencies outside of your tribe (federal, state, or local) | <input type="checkbox"/> |

The FBI Criminal Justice Information Services (CJIS) provides criminal justice database access and data entry for criminal justice purposes.

K.4 Indicate which activities your tribal justice system has the ability to conduct with CJIS. *(Select all that apply.)*

| | Tribal court personnel | The state conducts this activity through an agreement on behalf of the tribe | BIA conducts this activity on behalf of the tribe | No access |
|--|--------------------------|--|---|--------------------------|
| a. Enter court disposition data | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Enter protective orders into the National Crime Information Center (NCIC) Protection Order File ^a | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Enter sex offenders into the National Sex Offender Registry (NSOR) (NOTE: NCIC file – not NSOPW) ^b | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

^aThe National Crime Information Center (NCIC) is a comprehensive crime-related database maintained by the FBI's Criminal Justice Information Services Division (CJIS).

^bThe National Sex Offender Registry is a tracking system maintained and utilized by CJIS and cooperating agencies to track the location of convicted sex offenders.

K.5 To which of the following criminal history repositories does your tribal court submit final case disposition information (for example: convictions, protection orders)? *(Select all that apply.)*

- a. Tribal repository
- b. Local repository
- c. State repository
- d. Federal repository (for example: FBI CJIS)
- e. None of the above

K.6 Does your tribe maintain a sex offender registry?

- a. Yes
- b. No **(GO TO ITEM K8)**

K.7 How does your tribal court post registration information to the sex offender registry? *(Select all that apply.)*

- a. Tribal court posts through the state sex offender registry (connected to the National Sex Offender Public Website).
- b. Tribal court posts through a tribal sex offender registry (connected to the National Sex Offender Public Website).
- c. Tribal court posts through a tribal sex offender registry (NOT connected to the National Sex Offender Public Website).
- d. Tribal court does not post sex offender registry information.
- e. Other: *(Please describe)* _____

K.8 Does your tribe operate its own victim notification system?

- a. Yes
- b. No
- c. Not sure/do not know

K.9 Does your tribe have an agreement with the state to participate in a state victim notification system?

- a. Yes
- b. No
- c. Not sure/do not know

K.10 Does your tribal court maintain a restraining order and/or protection order registry?

- a. Yes
- b. No
- c. Not sure/do not know

The survey is now complete. Thank you for taking part in the 2014 National Survey of Tribal Court Systems.

If you have questions or would like to speak with someone about your experience, please call toll free and leave a message at 1-877-528-4025 or send an email message to NSTCS@kauffmaninc.com. A member of our survey administration team will respond promptly.

Again, thank you for your cooperation in this important data collection effort. Your responses are critically important to the success of this survey.