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RETURN TO  
Kauffman and Associates  
PO Box 15179  
Washington, DC 20003-9998

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 Indians<sup>1</sup> 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)

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

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

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

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<sup>1</sup>"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)

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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)

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f. Joint jurisdiction court (tribal-state court)<sup>2</sup>: (Provide name of court)

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

h. Other: (Please describe)

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<sup>2</sup>A 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 matters<sup>3</sup> 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 matters<sup>4</sup> 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)<sup>5</sup>

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

<sup>3</sup>Civil 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.

<sup>4</sup>Criminal 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.

<sup>5</sup>DOJ 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?<sup>6</sup> (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"/>

<sup>6</sup>Operating 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: (Please describe)			
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?<sup>7</sup>

- 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

<sup>7</sup>Pre-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?<sup>8</sup>

- 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)* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<sup>8</sup>Pre-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 delinquency<sup>9</sup>
- c. Status offense<sup>10</sup> (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

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

<sup>10</sup>25 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 matters<sup>11</sup> 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

<sup>11</sup>For 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?<sup>12</sup>
- 
- Do not track these case numbers

<sup>12</sup>Domestic 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 Act<sup>13</sup> (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

<sup>13</sup>Tribal 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 <sup>a</sup>	<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) <sup>b</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>a</sup>The National Crime Information Center (NCIC) is a comprehensive crime-related database maintained by the FBI's Criminal Justice Information Services Division (CJIS).

<sup>b</sup>The 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](mailto: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.

**RETURN TO**  
 Kauffman and Associates  
 PO Box 15179  
 Washington, DC 20003 - 9998

**U.S. Department of Justice  
 Bureau of Justice Statistics**



**2014 National Survey of Tribal Court Systems:  
 Alaska 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 Alaska.

**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 intertribal 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 1908, as amended (44 USC 3507). The burden of this data collection is estimated to average 2 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 in and away from the community with official tribal membership)?

Check here if this is an estimate.

A.2 What was the total resident population (including members, nonmember Indians<sup>1</sup> 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)

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---

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

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

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

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<sup>1</sup>“Nonmember Indian” describes an individual who is a member of a tribe other than the specific tribe completing this survey.

e. Village Public Safety Officers

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

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A.4 How many miles away is the nearest State of Alaska courthouse? (If the nearest State of Alaska courthouse is located in the community, enter “0”)

Check here if this is an estimate.

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)

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

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

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h. Other: (Please describe)

---



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NOTE: If your tribe does not operate a tribal court, does not have a Tribal Council that operates as a judicial forum or a judicial dispute resolution forum, or does not participate in an intertribal court system **STOP HERE. DO NOT** complete the rest of the survey. Follow the directions on the cover page to return completed portions of the survey. Thank you for your participation.

## Section B: Tribal Court Administration

Hereafter 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 justice system 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) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

B.3 Does your tribal court currently exercise civil jurisdiction?

- a. Yes
- b. No (**GO TO ITEM B6**)

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

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

- a. Yes
- b. No (**GO TO ITEM B14**)

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)

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)?

Do not track these case numbers

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 DUI/DWI for offenses were issued by your tribal court in calendar year 2014? (If your justice system does handle DUI/DWI offenses, (Write "N/A" for your answer.)

DUI/DWI Offenses:

Do not track these numbers

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. Jails

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

- a. Yes  
 b. No

B.16 Does your jury pool for criminal proceedings include non-Indians?

- a. Yes  
 b. No  
 c. Not applicable

B.17 Does the State of Alaska court system offer circle sentencing in your community?

- a. Yes  
 b. No

B.18 Does the state recognize your tribal court's orders in the following types of court cases?

Case type	Yes, tribal court orders are recognized	No, tribal court orders are not recognized	N/A, tribal court does not hear this type of case
a. Child protection (ICWA) <sup>a</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Child support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Domestic violence	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Juvenile delinquency <sup>b</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Juvenile dependency <sup>c</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Private child custody (parent v. parent)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g. Other: <i>(Please describe)</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>a</sup>The Indian Child Welfare Act, 25 U.S.C. § 1902.

<sup>b</sup>Acts committed by a juvenile that would be considered a criminal offense if committed by an adult.

<sup>c</sup>For example: Child in Need of Protection or Child in Need of Aid cases

## 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 intertribal appellate court, or otherwise have an appellate process?
- a. Yes (Please provide the official name of the court of appeals. For example: Alaska Native Court of Appeals) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- b. No (**GO TO SECTION D**)

- C.2 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 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.2 During 2014, what was the operational budget of your tribal court for adjudication functions, excluding capital outlays for construction?<sup>2</sup> (If you are unable to provide the actual number please provide your best estimate.)
- \$

- D.3 Did any of the following sources provided funding for your tribal court operations during 2014?

Source	Yes	No
a. Tribal appropriations	<input type="checkbox"/>	<input type="checkbox"/>
b. Self-Governing 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"/>

<sup>2</sup>Operating 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 nonrecurring fixed capital costs such as building construction and major equipment purchases.

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"/>

- D.4 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)		
c. Prosecution/prosecutor (law school graduate)	<input type="checkbox"/>	<input type="checkbox"/>
d. Prosecution/prosecutor (non-law school graduate)		
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)		
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.5 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.6 How many of the following types of personnel served your tribal court system in 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			
*Part-time refers to any employee or consultant who works fewer than 40 hours per week and includes job sharing.			

D.7 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.8 Does your tribal court currently have any victim service programs?

- a. Yes  
 b. No (**GO TO ITEM D10**)

D.9 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.10 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 and Indigent Defense

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

- a. Yes  
 b. No (**GO TO ITEM E4**)



E.2 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.3 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.4 Does your tribe have a contract with a local or private attorney to provide prosecution services?

- a. Yes
- b. No

E.5 Does your tribal system currently have a tribal public defender or defense office?

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

E.6 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			

E.7 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"/>

E.8 To whom does your tribe provide free criminal defense services for offenses involving tribal members? *(Select all that apply.)*

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

E.9 Are free criminal defense services based on income scale and ability to pay?

- a. Yes
- b. No

E.10 Who delivers your tribe's free criminal defense services? *(Select all that apply.)*

- a. Tribal public defender program (fixed staff)
- b. A 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 F: Pretrial, Probation and Reentry Programs and Services

- F.1 Does your tribal court operate a pre-trial diversion program?<sup>3</sup>
- a. Yes
- b. No (**GO TO ITEM F3**)
- F.2 Does your tribal court provide a diversion program alternative prior to formally charging the defendant with a crime?
- a. Yes
- b. No
- F.3 Does your tribal court operate a pre-trial release program?<sup>4</sup>
- a. Yes
- b. No (**GO TO ITEM F5**)
- F.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 F5–F12 pertain to your tribal justice system's probation program only.

- F.5 Does your tribal court have a probation program?
- a. Yes
- b. No (**GO TO ITEM F13**)

<sup>3</sup>Pre-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 administered by the U.S. Probation Service. 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.

<sup>4</sup>Pre-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.

- F.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*) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- F.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*) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- F.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. Other: (*Please describe*) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- F.9 How many probation officers does your tribal justice system employ? (*Include both full- and part-time.*)
- If no probation officers are employed, enter "0" as your answer.

F.10 With which nontribal 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. Private probation
- e. Tribal probation program does not work with any nontribal jurisdictions in this area.

F.11 Does your probation program complete and submit any of the following 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)* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

F.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 F13–F16 pertain to your tribal justice system’s reentry program only.**

F.13 Does your community supervise individuals coming out of placement in a secure facility? (For example: state or federal prison.)

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

F.14 With which facilities does your community 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)* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

F.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

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

- a. Yes
- b. No

## Section G: Juvenile Cases

**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.

G.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 G7)**
- b. Juvenile delinquency<sup>5</sup>
- c. Status offense<sup>6</sup> (for example: underage drinking, tobacco smoking, truancy, running away)
- d. All juvenile law-violating cases are treated as juvenile dependency<sup>7</sup> or child in need of care matters.
- e. Other: *(Please describe)* \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

<sup>5</sup>Acts committed by a juvenile that would be considered a criminal offense if committed by an adult.

<sup>6</sup>25 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.

<sup>7</sup>For example: Child in Need of Protection or Child in Need of Aid cases.

- G.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
- G.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
- G.4 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)
- G.5 Does your tribal court ever handle juvenile law-violating cases jointly with the state court (for example: through a diversion program)?
- a. Yes
- b. No
- G.6 Does your tribal court maintain a probation or parole function for juveniles?
- a. Yes
- b. No

- G.7 Does your tribe have or provide access to a reentry program for tribal juveniles who have been incarcerated?
- a. Yes
- b. No
- G.8 Which type(s) of Indian child welfare or dependency matter(s)<sup>8</sup> does your tribal court handle? (Select all that apply.)
- a. Tribal court does not handle Indian child welfare or dependency matters. (**GO TO SECTION H**)
- 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) \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- G.9 How many child welfare or dependency cases were **filed** in calendar year 2014?
- 
- Do not track these case numbers

## Section H: 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.

<sup>8</sup>For example: Child in Need of Protection or Child in Need of Aid cases.

H.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 or protection orders. **(GO TO ITEM H6)**
- 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

H.2 How many restraining orders and/or protection orders did your tribal court issue in calendar year 2014?

Do not track these numbers.

H.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

H.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

H.5 During 2014, how many criminal convictions for violation of protection orders were issued by your court?

Do not track these numbers

H.6 How many domestic violence cases were **filed** in your tribal court in calendar year 2014?<sup>9</sup>

Do not track these case numbers

<sup>9</sup>Domestic 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.

H.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 I: Information Systems Access and Data Entry

I.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 transmits electronic data to	Court accesses electronic data from
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"/>

I.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)* \_\_\_\_\_

---

I.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, local)	<input type="checkbox"/>

I.4 Does your tribe maintain a sex offender registry?

- a. Yes  
 b. No (**GO TO ITEM I6**)

I.5 How does your tribal court post registration information to the sex offender registry? (*Select all that apply.*)

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

I.6 Does your tribe operate its own victim notification system?

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

I.7 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

I.8 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: Alaska Tribal Courts.

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.

**RETURN TO**  
 Kauffman and Associates  
 PO Box 15179  
 Washington, DC 20003-9998

**U.S. Department of Justice  
 Bureau of Justice Statistics**



**2014 National Survey of Tribal Court Systems:  
 Code of Federal Regulations 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 Code of Federal Regulations (CFR court) individually, but also helps in the planning for tribal justice systems across all tribal, inter-tribal, and Code of Federal Regulations court systems.

**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 1908, 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: Administration and Operation

This survey gathers information on the various components of court system, including law enforcement, the court, and corrections. Courts of Indian Offenses (also known as Code of Federal Regulations Courts) are courts operated by the Department of Interior, Bureau of Indian Affairs, on certain reservations. These courts operate under federal regulations contained in Title 25, Part 11, of the Code of Federal Regulations and for this reason are often referred to as "CFR courts."

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases filed by your CFR 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.

A.1 Which tribes are under the jurisdiction of this Code of Federal Regulations Court (CFR court)? *(Please specify.)*

\_\_\_\_\_

\_\_\_\_\_

A.2 Do any of the tribes noted in A.1 above also operate a separate tribal court?

Yes *(Please identify which ones)* \_\_\_\_\_

No

A.3 Which law enforcement agencies provide a policing or criminal investigative function on the Indian country (as defined in 18 U.S.C. 1151 and by Federal court precedent) over which your CFR court has jurisdiction? *(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)*

\_\_\_\_\_

\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

A.4 How long (in years) has your CFR court been operational?

Number of years:

A.5 How many civil cases were **filed** in your CFR court in calendar year 2014?

a. Traffic cases:

Do not track these case numbers

b. Non-traffic cases

Do not track these case numbers

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

a. Tribal members

b. Nonmember Indians

A.7 How many criminal cases were **filed** in your CFR court in calendar year 2014?

Do not track these case numbers

A.8 How many of these criminal cases filed in your tribal court in calendar year 2014 involved a non-Indian defendant?

Do not track these case numbers

A.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



A.10 How many convictions for DUI/DWI offenses were issued by your CFR court in calendar year 2014? (If your justice system does DUI/DWI offenses. (Write "N/A" for your answer.)

a. DUI/DWI Offenses:

A.11 What are the available sanctions issued by the CFR 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. Jails
- f. Other: (*Please describe*) \_\_\_\_\_

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

- a. Yes
- b. No

A.13 Which of the following does your CFR 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*) \_\_\_\_\_

A.14 Is there an entity that supervises conditions of release imposed on defendants by your CFR court?

- a. Yes
- b. No

A.15 How often does your CFR court hold sessions or hear cases?

- a. Daily
- b. Weekly
- c. More than once a week

- d. Monthly
- e. More than once a month
- f. Other: (*Please describe*) \_\_\_\_\_

A.16 What was the fiscal year (FY) 2014 operational budget of your CFR court for adjudication functions, excluding capital outlays for construction?<sup>1</sup> (If you are unable to provide the actual number please provide your best estimate.)

\$

A.17 Did any of the following sources provided funding for your CFR 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: ( <i>Please describe</i> )	<input type="checkbox"/>	<input type="checkbox"/>
m. Other: ( <i>Please describe</i> )	<input type="checkbox"/>	<input type="checkbox"/>

<sup>1</sup>Operating 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 nonrecurring fixed capital costs such as building construction and major equipment purchases.

A.18 Were any of the following positions and services were funded totally or in part by your CFR court's operating budget in 2014?

Core court positions and services	Yes	No
a. Magistrates (law school graduate)	<input type="checkbox"/>	<input type="checkbox"/>
b. Magistrates (non-law school graduate)	<input type="checkbox"/>	<input type="checkbox"/>
c. Prosecution/prosecutors (law school graduate)	<input type="checkbox"/>	<input type="checkbox"/>
d. Prosecution/prosecutors (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.

A.19 Which qualifications are required in order to serve in the following CFR court positions? (Select all that apply.)

	Trial magistrates	Appellate court magistrates
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 where the CFR court is located	<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"/>

A.20 How many of the following types of personnel were employed by your CFR 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. Tribal judges (law school graduate)			
b. Tribal judges (non-law school graduate)			
c. Trial magistrate			
d. Appellate court magistrate (law school graduate)			
e. Appellate court magistrate (non-law school graduate)			
f. Parole or probation officer			
g. Court administrator			
h. Pretrial services staff			
i. Community resources specialist			
j. Court clerk			
k. Court reporter			
l. Staff attorney (does not include prosecutor or public defender)			
m. Law clerk			
n. Tribal elder/peacemaker/other traditional forum staff			
o. Support staff			
p. Other (Please describe)			
q. TOTAL NUMBER OF EMPLOYEES			

\*Part-time refers to any employee or consultant who works fewer than 40 hours per week and includes job sharing.

A.21 How are the following CFR court personnel selected for their positions? (Select all that apply.)

	Appointed	Elected	Hired under contract	Hired as a BIA employee
a. Tribal Court Judge	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Magistrate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c. Appellate magistrate	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d. Court administrator	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Clerk of the court	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

A.22 Does your CFR court currently have a victim service program?

- a. Yes
- b. No (**GO TO ITEM A24**)

A.23 During 2014, did your CFR 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.

A.24 Does your CFR 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 B: Appellate System

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases filed by your CFR 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 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)

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---

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

B.2 How many appellate cases were **filed** in your CFR court in the calendar year 2014?

- a. Criminal:

- Do not track these case numbers

b. Civil:

- Do not track these case numbers

### Section C: Prosecution and Indigent Defense

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

- a. Yes
- b. No (**GO TO C3**)

C.2 How many prosecutors were employed in your CFR 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			

C.3 Does your CFR court currently have a tribal public defender or defense office?

- a. Yes
- b. No

C.4 How many public defenders were employed in your CFR 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			

C.5 To whom does your CFR court provide free criminal defense services?

- a. CFR court does not provide free criminal defense services. **(GO TO ITEM C8)**
- b. Tribal members
- c. Nonmember Indians
- d. Non-Indians
- e. Other: *(Please describe)* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

C.6 Are the criteria for free criminal defense services based on income scale and ability to pay?

- a. Yes
- b. No

C.7 Who delivers your CFR court’s free criminal defense services?

- 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)* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

C.8 Does your CFR court provide free civil legal services for a CFR court appearance?

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

C.9 Are free civil legal services criteria based on income scale and ability to pay?

- a. Yes
- b. No

C.10 Who delivers your CFR court’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 D: Pretrial, Probation and Reentry Programs and Services**

D.1 Does your CFR court operate a pre-trial diversion program?<sup>2</sup>

- a. Yes
- b. No **(GO TO ITEM D3)**

D.2 Does your jurisdiction provide a diversion program alternative prior to formally charging the defendant with a crime?

- a. Yes
- b. No

D.3 Does your CFR court operate a pre-trial release program?<sup>3</sup>

- a. Yes
- b. No **(GO TO ITEM D6)**

<sup>2</sup>Pretrial 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 administered by the U.S. Probation Service. 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.

<sup>3</sup>Pretrial 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.

D.4 Who carries out your CFR court’s pre-trial service function? *(Select all that apply.)*

- a. Pretrial services personnel
- b. Probation personnel
- c. Court administrator
- d. Law enforcement
- e. Other: *(Please describe)* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

D.5 Which of the following options are provided by your CFR 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 D6–D13 pertain to your CFR court’s probation program only.**

D.6 Does your CFR court have a probation program?

- a. Yes
- b. No **(GO TO ITEM D14)**

D.7 Who supervises individuals placed on community supervision by the CFR 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. CFR court judge
- e. Tribal court judge
- f. Tribal police officer
- g. Prosecutor
- h. Court administrator
- i. Tribal police officer
- j. Nobody; we have unsupervised probation.
- k. Other: *(Please describe)* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

D.8 How is your CFR court’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)* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

D.9 Who oversees the probation function for your CFR court?

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

D.10 How many probation officers does your CFR court employ? *(Include combined total for full- and part-time)*

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

D.11 With which non-tribal jurisdiction(s) does your CFR court probation program work to supervise individuals who are on community supervision from multi-systems? *(Select all that apply.)*

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

D.12 Does your probation program complete and submit any of the following to the CFR 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)* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

D.13 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 D14–D17 pertain to your CFR court’s reentry program only.**

D.14 Does your CFR court supervise individuals coming out of placement in a secure facility?

a. Yes

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

D.15 With which facilities does your CFR court 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*) \_\_\_\_\_

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D.16 Does your CFR court operate a formal reentry program involved in assisting tribal members planning to return to your community?

a. Yes

b. No

D.17 Do your tribal communities have transitional living facilities to assist tribal members returning to the community?

a. Yes

b. No

## Section E: Juvenile Cases

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases filed by your CFR 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.

E.1 Which type(s) of juvenile law-violating cases<sup>4</sup> does your CFR court handle? (*Select all that apply.*)

a. CFR court does not handle juvenile law-violating cases. (**GO TO ITEM E10**)

b. Juvenile delinquency<sup>5</sup>

c. Status offense<sup>6</sup> (for example: underage drinking, tobacco smoking, truancy, running away)

d. All juvenile law-violating cases are treated as juvenile dependency<sup>7</sup> or child in need of care matters.

e. Other: (*Please describe*) \_\_\_\_\_

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E.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

E.3 During 2014, what were 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

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

a. CFR court does not provide free legal representation services in juvenile cases. (**GO TO ITEM E7**)

b. Tribal member juveniles

c. Nonmember Indian juveniles

d. Non-Indian juveniles

<sup>4</sup>Any case involving a juvenile offender.

<sup>5</sup>Acts committed by a juvenile that would be considered a criminal offense if committed by an adult.

<sup>6</sup>25 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.

<sup>7</sup>For example: Child in Need of Protection or Child in Need of Aid cases.

E.5 Are the criteria for free legal representation services based on income scale and the family's ability to pay?

- a. Yes  
 b. No

E.6 Who provides free legal representation services 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)* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

E.7 Excluding incarceration, which of the following sentencing options does your CFR 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: alcohol monitoring bracelet)  
 h. Cultural or traditional alternatives

i. Removal and placement in a familial or foster home

j. Diversion programs

k. Curfew

l. Other: *(Please describe)* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

- a. Yes  
 b. No

E.9 Does your CFR court maintain a probation or parole function for juveniles?

- a. Yes  
 b. No

E.10 Does your CFR court have or provide access to a reentry program for tribal juveniles who have been incarcerated?

- a. Yes  
 b. No

**Items E11–E15 pertain to child welfare or dependency matters only.**

E.11 Which type(s) of Indian child welfare or dependency matter(s)<sup>8</sup> does your CFR court handle? *(Select all that apply.)*

- a. CFR court does not handle Indian child welfare or dependency matters. **(GO TO SECTION F)**  
 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)* \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

<sup>8</sup>For example: Child in Need of Protection or Child in Need of Aid cases.

E.12 What was the total number of child welfare or dependency cases **filed** in your CFR court in calendar year 2014?

Do not track these case numbers

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

Do not track these case numbers

E.14 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

E.15 Who provides free civil legal representation to juveniles in dependency matters?

a. CFR court 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 CFR 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) \_\_\_\_\_

\_\_\_\_\_

E.16 Do children in 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 F: Domestic Violence and Protection Orders

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases filed by your CFR 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.

F.1 Does your CFR court issue restraining orders and/or protection orders to protect someone from another person committing the following acts? (Select all that apply)

a. CFR court does not issue restraining orders and/or protection orders. (**GO TO ITEM F6**)

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

F.2 How many restraining orders and/or protection orders did your CFR court issue in the calendar year 2014?

Do not track these numbers.

F.3 Does the state(s) in which the tribes under the jurisdiction of this CFR court are located recognize restraining orders and/or protection orders issued from the CFR court?

a. Yes

b. No

c. Not sure/do not know



## Section G: Information Systems Access and Data Entry

F.4 Does the CFR court enforce violations of valid state or other tribal court-issued protection orders occurring on the reservation as if it were the CFR court's own order?

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

F.5 During 2014, how many criminal convictions for violation of protection orders were issued by your CFR court?

Do not track these case numbers

F.6 How many domestic violence cases were **filed** in your CFR court in calendar year 2014?<sup>9</sup>

Do not track these case numbers

F.7 Did your CFR 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"/>

<sup>9</sup>Domestic 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

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

	CFR court accesses electronic data from	CFR 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"/>

G.2 What method(s) does your CFR 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)* \_\_\_\_\_

G.3 With which of the following is your CFR 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, local)	<input type="checkbox"/>

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

G.4 Indicate which entities in your CFR court system have the ability to conduct the following activities with CJIS. (*Select all that apply.*)

	CFR court personnel	Tribal law enforcement	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"/>	<input type="checkbox"/>
b. Enter protective orders into the National Crime Information Center (NCIC) Protection Order File <sup>a</sup>	<input type="checkbox"/>	<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) <sup>b</sup>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<sup>a</sup>The National Crime Information Center (NCIC) is a comprehensive crime-related database by the FBI's Criminal Justice Information Services Division (CJIS).

<sup>b</sup>The National Sex Offender Registry is a tracking system maintained and utilized by CJIS and cooperating agencies to track the location of convicted sex offenders.

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

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

G.6 Do tribes under the jurisdiction of this CFR court maintain a sex offender registry?

- a. Yes
- b. No (**GO TO ITEM G8**)

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

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

G.8 Does your CFR court operate its own victim notification system?

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

G.9 Does your CFR court have an agreement with the state to participate in a state victim notification system?

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

G.10 Does your CFR court maintain a restraining order and/or protection order registry?

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

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

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.



U.S. Department of Justice (DOJ), Office of Justice Programs  
 Bureau of Justice Statistics (BJS)  
**2012 National Survey of Tribal Court Systems (NSTCS)**  
 Expert Panel Meeting  
 May 16-17, 2012



## AGENDA

### DAY ONE – May 16, 2012

Kauffman & Associates, Inc.  
 1100 Wayne Avenue, Suite 1010  
 Conference Room 1  
 Silver Spring, MD 20910

9:00 am – 9:15 am	<b>Opening</b> Traditional Greeting Welcome Overview of Agenda	Ramya Sundararaman Biva Ranjeet
9:15 am – 9:30 am	<b>Introductions</b> Expert Panel Members DOJ Staff KAI Staff TLPI Staff	
9:30 am – 10:30 am	<b>Background:</b> Implementing a culturally-centered National Survey of Tribal Court Systems, & Overview of the Survey Process	Steven Perry
10:30 am – 10:45 am	Break	
10:45 am – 11:15 am	<b>Tribal Law and Order Act</b> Policy Issues Tribal Court Survey Congruence	Jerry Gardner Steven Perry
11:15 am – 12:00 pm	<b>Tribal Court System &amp; the Universe of Tribal Courts</b>	Joseph Little
12:00 – 1:15 pm	Lunch on your own	
1:15 pm – 2:45 pm <i>1:15 pm – 2:10 pm</i> <i>2:15 pm – 2:45 pm</i>	<b>Survey Review Part I (Sections A-C)</b> Breakout groups Report-out Discussion	Expert Panel Biva Ranjeet Bijal Shah
2:45 pm – 3:00 pm	Break	
3:00 pm – 4:45 pm <i>3:00 pm – 3:55 pm</i> <i>4:00 pm – 4:30 pm</i>	<b>Survey Review Part II (Sections D-G)</b> Breakout Groups Report-out Discussion	Expert Panel Biva Ranjeet Bijal Shah
4:45 pm – 5:00 pm	<b>Recap of Day One/Preparation for Day Two</b>	Steven Perry Biva Ranjeet

**DAY TWO – May 17, 2012**

U.S. Department of Justice  
 Office of Justice Programs  
 Video Conference Room, 3500  
 810 Seventh Street, NW  
 Washington, DC 20531

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9:00 am – 9:15 am	<b>Day Two Overview</b>	Steven Perry
9:15 am – 9:30 am	<b>Welcome and Brief Remarks</b>	Dr. James Lynch BJS Director
9:30 am – 10:45 am	<b>Survey Review Part III (Sections H-L)</b> Breakout Groups	Expert Panel Biva Ranjeet Bijal Shah
10:45 am – 11:00 am	Break	
11:00 am – 11:45 am	<b>Survey Review Part III Cont'd (Sections H-L)</b> Report-out Discussion	Expert Panel Biva Ranjeet Bijal Shah
11:45 am – Noon	<b>Overall Survey Discussion</b>	Bijal Shah
Noon – 1:00 pm	Lunch on your own	
1:00 pm – 2:00 pm	<b>NSTC Survey Methodology</b>	Steven Perry
2:00 pm – 2:30 pm	<b>Wrap-up</b> Meeting Recap Next Steps Traditional Closing	Steven Perry Biva Ranjeet

<b>DOJ</b>				
	<b>Name</b>	<b>Title</b>	<b>Email</b>	<b>Phone</b>
1	Steven W. Perry	Statistician and Program Manager PROSECUTION AND ADJUDICATION	Steven.W.Perry@usdoj.gov	(202) 307-0777
<b>Expert Panel</b>				
2	Mary Jo Brooks Hunter	Clinical Professor HAMLINE UNIVERSITY SCHOOL OF LAW	Mhunter@hamline.edu	(651) 523-2077
3	Christine Folsom-Smith	Program Attorney THE NATIONAL TRIBAL JUDICIAL CENTER	Cfsmith@judges.org	(775) 327-8202
4	Carrie Garrow	Executive Director THE CENTER FOR INDIGENOUS LAW, GOVERNANCE, & CITIZENSHIP COLLEGE OF LAW SYRACUSE UNIVERSITY	Cegarrow@law.syr.edu	(315) 443-9558
5	Lisa Jaeger	Tribal Government Specialist TANANA CHIEFS CONFERENCE	Lisa.Jaeger@tananachiefs.org	(907) 452-8251
6	Ada Pecos Melton	President/Owner AMERICAN INDIAN DEVELOPMENT ASSOCIATES	Ada@aidainc.net	(505) 842-1122
7	Jill Tompkins	Senior Director INDIAN CHILD WELFARE PROGRAMS CASEY FAMILY PROGRAMS	jtompkins@casey.org	(720) 479-2950
8	Herb Yazzie	Chief Justice THE SUPREME COURT OF THE NAVAJO NATION	LindaBitsoi@navajo-nsn.gov (Admin)	(928) 871-7669
9	William Zuger	Chief Judge STANDING ROCK SIOUX TRIBE	Wpzuger@standingrock.org	(701) 854-3807
<b>KAI</b>				
10	Biva Ranjeet	Project Director	Biva.Ranjeet@kauffmaninc.com	(240) 863-0365
11	Bijal Shah	Statistician	Bijal.Shah@kauffmaninc.com	(240) 863-0372
12	Ramya Sundararaman	Director, RESEARCH AND EVALUATION	Ramya.Sundararaman@kauffmaninc.com	(240) 863-0364
13	Margaret Hale	Senior Evaluator	Maggie.Hale@kauffmaninc.com	(301) 588-6800
14	Joseph Little	Consultant	JDLittle01@msn.com	(505) 908-8623
15	Jason Crawford	Research Specialist	Jason.Crawford@kauffmaninc.com	(240) 863-0371
16	Roseanne David	Research Specialist	Rose.David@kauffmaninc.com	(240) 863-0362
17	Sherri Berdine	Research Specialist	Sherri.Berdine@kauffmaninc.com	(240) 863-0376
<b>TLPI</b>				
18	Jerry Gardner	Executive Director	Jerry@tlpi.org	(323) 650-5467
19	Heather Valdez Singleton	Program Director	Heather@tlpi.org	(323) 650-5467



U.S. Department of Justice (DOJ), Office of Justice Programs  
 Bureau of Justice Statistics (BJS)  
**2012 National Survey of Tribal Court Systems (NSTCS)**  
 Tribal Court Leadership Meeting  
 August 21-22, 2012



## AGENDA

### DAY ONE – August 21, 2012

#### Pavilion C

Hilton Garden Inn Rapid City  
 815 E. Mall Drive  
 Rapid City, SD 57701

9:00 am – 9:15 am	<b>Opening</b> Traditional Greeting Welcome Overview of Agenda	JoAnn Kauffman Biva Ranjeet
9:15 am – 9:30 am	<b>Introductions</b> Tribal Court Leadership Members Department of Justice (DOJ), Bureau of Justice Statistics (BJS) Kauffman Associates, Inc. (KAI) and Consultants Tribal Law and Policy Institute (TLPI)	
9:30 am – 10:15 am	<b>Background/Benefits:</b> Implementing a Culturally- Centered National Survey of Tribal Court Systems and Overview of the Survey Process	Steven Perry
10:15 am – 10:45 am	<b>Initial Response to draft NSTCS Pilot Test:</b> General response from Tribal Court Leadership Team regarding the Survey	
10:45am – 11:00 am	Break	
11:00am – 11:30am	<b>Tribal Law and Order Act (TLOA) Enhanced            Sentencing Provisions</b> Policy Issues and Tribal Court Survey Congruence GAO Report and Section 234 Enhanced Sentencing VAWA Reauthorization - Tribal Jurisdiction section	Jerry Gardner
11:30 am – Noon	<b>NSTCS Methodology including discussion of OMB            clearance, Tribal IRBs, use of data by BJS, etc.</b>	Steven Perry
Noon – 1:15 pm	Lunch on your own	
1:15 pm – 2:45 pm	<b>NSTCS Review &amp; Comment: Part I (Sections A-D)</b> <ul style="list-style-type: none"> <li>• Section A: Tribal Court Systems</li> </ul>	

- Section B: Tribal Court Administration, Code and Case Law
- Section C: Appellate Process
- Section D: Traditional Forum

2:45 pm – 3:00 pm	Break	
3:00 pm – 4:45 pm	<b>NSTCS Review &amp; Comment: Part II (Sections E-G)</b> <ul style="list-style-type: none"> <li>• Section E: Tribal Court System Operations</li> <li>• Section F: Tribal Prosecution</li> <li>• Section G: Public Defense and Civil Legal Services</li> </ul>	
4:45 pm – 5:00 pm	<b>Recap of Day One/Preparation for Day Two</b>	Steven Perry

## **DAY TWO – August 22, 2012**

**Pavilion C**  
Hilton Garden Inn Rapid City  
815 E. Mall Drive  
Rapid City, SD 57701

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9:00 am – 9:15 am	<b>Day Two Overview</b>	JoAnn Kauffman
9:30 am – 10:45 am	<b>NSTCS Review &amp; Comment: Part III (Sections H-K)</b> <ul style="list-style-type: none"> <li>• Section H: Enhanced Sentencing Authority</li> <li>• Section I: Information Systems Access and Data Entry</li> <li>• Section J: Juvenile Justice and Delinquency</li> <li>• Section K: Law Enforcement</li> </ul>	Tribal Court Leadership Team
10:45 am – 11:00 am	Break	
11:00 am – Noon	<b>Alaska and CFR-Specific Survey Strategy</b>	Tribal Court Leadership Team
Noon – 1:15 pm	Lunch on your own	
1:15 pm – 3:00 pm	<b>Wrap-up</b> Meeting Recap Next Steps Traditional Closing	Steven Perry Biva Ranjeet

# 2012 NSTCS Tribal Court Judges Meeting Contact List

	Name	Title	Email	Phone
<b>Tribal Court Leadership Panel</b>				
1	Gary Bass	Judge Tulalip Tribes Tribal Court	gbass@tulaliptribes-nsn.gov	(360) 716-4776
2	William Boyum	Chief Justice Eastern Band of Cherokee Supreme Court	billboyu@nc-chokeee.com	(828) 497-1077
3	Anthony Brandenburg	Chief Justice Intertribal Court of Southern California	abrandenburg@icsc-court.us	(760) 215-3848
4	Roman Duran	Judge Pueblo of Tesuque Tribal Court	judgeduran@hotmail.com	(505) 989-4969
5	Mike Jackson	Tribal Court Director Organized Village of Kake	majackson@kakefirstnation.org	(907) 785-6471 ext. 124
6	B.J. Jones	Chief Judge Sisseton-Wahpeton Tribal Court	jones@law.und.edu	(701) 777-6176
7	Philip Lujan	Chief District Judge Citizen Potawatomi Nation	plujan@potawatomi.org	(405) 878-4844
8	Kimberly Martus	Tribal Court Enhancement Program Manager Bristol Bay Native Association	kmartus@bbna.com	(907) 842-6136
9	Sherman Marshall	Chief Judge Rosebud Sioux Tribal Court	judgemarshall@rstcourts.org	(605) 747-2278
10	Michael Petoskey	Chief Judge Pokagon Band of Potawatomi	michael.petoskey@gmail.com	(269) 783-0505
11	William Platero	District Judge Tohajiilee District Court	williamjplatero@navajo-nsn.gov	(505) 908-2817
12	David Voluck	Magistrate/Judge Central Council of Tlingit and Haida Tribes	davidvoluck@msn.com	(907) 747-2814
<b>Department of Justice</b>				
13	Steven W. Perry	Statistician and Program Manager Bureau of Justice Statistics	Steven.W.Perry@usdoj.gov	(202) 307-0777
<b>Kauffman &amp; Associates, Inc.</b>				
14	Jo Ann Kauffman	President	joann.kauffman@kauffmaninc.com	(509) 789-2662
15	Joseph Little	Consultant	jdlittle01@msn.com	(505) 908-8623
16	Biva Ranjeet	Project Director	biva.ranjeet@kauffmaninc.com	(240) 863-0365
<b>Tribal Law &amp; Policy Institute</b>				
17	Jerry Gardner	Executive Director	jerry@tlpi.org	(323) 650-5467
18	Heather Valdez Singleton	Program Director	heather@tlpi.org	(323) 650-5467





U. S. Department of Justice  
Office of Justice Programs

*Bureau of Justice Statistics*

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Washington, D.C. 20531

February 2, 2012

Dear Tribal Leader,

On behalf of the Bureau of Justice Statistics (BJS), U.S. Department of Justice, Kauffman & Associates, Inc. (KAI) is conducting the 2012 National Survey of Tribal Court Systems (NSTCS-12). The goal of this survey is to follow up on our 2002 census and expand our understanding of justice agency operations in tribal jurisdictions. Your respective tribal court is one of approximately 300 selected to participate and we must verify the respondent and contact information.

The Tribal Law and Order Act (TLOA) provides that BJS is to establish and implement a tribal data collection system and report to Congress annually the data collected and analyzed in accordance with the act. (P.L. 111-211, 124 Stat. 2258, § 251(b)). The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3732), authorizes this information collection. The request for information is in accordance with the clearance requirement of the Paperwork Reduction Act of 1980, as amended (44 U.S.C. 3507).

The NSTCS is part of a multifaceted effort by BJS to expand statistical activities related to American Indian and Alaska Native crime and justice issues. The NSTCS will gather administrative and operational information about tribal court systems, including, but not limited to, staffing, budgets, types of courts, caseloads, access to justice databases and sex offender registration, criminal and civil codes, prosecutors, indigent defense providers, sentencing, and treatment programs.

We urgently need and appreciate your immediate cooperation to make the results comprehensive, accurate, and timely. Please review the Tribal Court Verification Sheet enclosed. If you are able to complete the information requested, please do so and submit your responses to KAI by **March 15, 2012**. A flyer that provides a succinct explanation of the NSTCS is also enclosed. Thank you in advance for your cooperation in this important data collection effort.

Sincerely,

A handwritten signature in black ink, appearing to read "J. Lynch".

James P. Lynch  
Director, Bureau of Justice Statistics

Enclosures (2)

**TRIBAL COURT VERIFICATION SHEET**

You may confirm your tribal court information through one of the following methods no later than **March 30, 2012**:

- Complete the information below and mail the verification sheet in the enclosed self-addressed stamped envelope.
- Email your responses to [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com).
- Fax your verification sheet to KAI at 301-588-6801.

**Please provide the requested point of contact information to ensure the timely delivery and completion of the NSTCS-12.**

Name of Tribe: \_\_\_\_\_

Name of Tribal Court: \_\_\_\_\_

Name of Tribal Court Administrator; Chief Judge or Judicial Officer:  
\_\_\_\_\_

Court Address:  
\_\_\_\_\_

City, State, and ZIP: \_\_\_\_\_

Phone: \_\_\_\_\_

Fax: \_\_\_\_\_

Email Contact: \_\_\_\_\_

Please mark all of the types of court systems operating within your jurisdiction:

- Indigenous forums
- Appellate
- Court of Indian Offenses (CFR)
- Tribal court/Inter-tribal court system based on codes or constitutions



U. S. Department of Justice  
Office of Justice Programs

*Bureau of Justice Statistics*

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Washington, D.C. 20531

December 5, 2012

Dear Sir or Madame,

On behalf of the U.S. Department of Justice and the Office of Justice Programs, Bureau of Justice Statistics (BJS), Kauffman & Associates, Inc. (KAI) is conducting the 2012 National Survey of Tribal Court Systems (NSTCS-12). Your tribal court is one of approximately 300 selected to participate and **we are writing to ask that you verify your tribal court's respondent and contact information.**

The Tribal Law and Order Act provides that BJS is to establish and implement a tribal data collection system and report to Congress annually the data collected and analyzed in accordance with the act (P.L. 111-211, 124 Stat. 2258, § 251(b)). The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3732), authorizes this information collection. The request for information will be in accordance with the clearance requirement of the Paperwork Reduction Act of 1980, as amended (44 U.S.C. 3507).

The NSTCS-12 is part of a multifaceted effort by BJS to expand statistical activities related to American Indian and Alaska Native crime and justice issues. The NSTCS-12 will gather administrative and operational information about tribal court systems, including but not limited to staffing, budgets, types of courts, caseloads, access to justice databases and sex offender registration, criminal and civil codes, prosecutors, indigent defense providers, sentencing, and treatment programs.

Please help ensure that our records are current by verifying your tribal court's contact information:

1. Visit [www.tribalcourtsurvey.org/verify](http://www.tribalcourtsurvey.org/verify)
2. Register using your unique passphrase: X0000X
3. Update your tribal court's contact information.

Please provide the information requested no later than **January 7<sup>th</sup>, 2013**. A flyer that provides additional information on the NSTCS-12 is also enclosed or you may visit our web site. If you experience any issues accessing the web site please contact KAI at [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) or at (877) 528-4025. Thank you in advance for your cooperation on this important data collection effort.

Sincerely,

James P. Lynch, Ph.D.  
Director

Enclosure: NSTCS-12 FLYER

# 2013 NATIONAL SURVEY OF TRIBAL COURT SYSTEMS

**ABOUT**

[SURVEY](#)

[RESOURCE LIBRARY](#)

[COMMENTS](#)

[VERIFY](#)

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## ABOUT

The U.S. Department of Justice (DOJ) Office of Justice Programs (OJP) Bureau of Justice Statistics (BJS) is pleased to announce that it will conduct the 2013 National Survey of Tribal Court Systems (NSTCS).

As the statistical agency for the Department of Justice, BJS is responsible for the collection, analysis, publication, and dissemination of statistical information on crime, criminal offenders, victims of crime, and the operations of criminal justice systems at all levels of government. The Tribal Law and Order Act of 2010 mandates that BJS "establish and implement such tribal data collection systems as the BJS Director determines to be necessary." On behalf of BJS, Kauffman & Associates, Inc. (KAI), a Native-owned research firm, will administer the survey.

The 2013 National Survey of Tribal Court Systems, developed by the U.S. Department of Justice, Bureau of Justice Statistics, will update the 2002 Census of Tribal Justice Agencies in Indian country. This survey is being sent to all federally recognized tribes in the United States with a court system.

This survey will benefit tribes in the following ways:

1. Provide an authenticated source for tribal court statistics,
2. Provide information to Congress to supplement funding opportunities for tribal justice systems,
3. Affirm the sovereignty of tribal nations,

[TRIBAL JUSTICE  
SURVEY FACT SHEET](#)

[TRIBAL COURTS  
BY STATE](#)

# 2014 NATIONAL SURVEY OF TRIBAL COURT SYSTEMS

The U.S. Department of Justice (DOJ) Office of Justice Programs (OJP) Bureau of Justice Statistics (BJS) is pleased to announce that it will conduct the 2014 National Survey of Tribal Court Systems (NSTCS). As the statistical agency for the Department of Justice, BJS is responsible for the collection, analysis, publication, and dissemination of statistical information on crime, criminal offenders, victims of crime, and the operations of criminal justice systems at all levels of government. The Tribal Law and Order Act of 2010 mandates BJS “establish and implement such tribal data collection systems as the BJS Director determines to be necessary.”<sup>[1]</sup> On behalf of BJS, Kauffman & Associates, Inc. (KAI), a Native-owned research firm, will administer the survey.

Implementation of the NSTCS is part of a multifaceted effort by BJS to expand statistical activities related to tribal crime and justice issues. In support of BJS’s efforts, KAI will contact the approximately 200 to 300 federally recognized tribal justice systems in the United States and gather information about the following topical areas:

- Tribal Justice Systems
- Tribal Court Administration
- Appellate Systems
- Tribal Court System Operations
- Tribal Prosecution
- Public Defense and Civil Legal Services
- Pretrial, Probation and Reentry Programs and Services
- Juvenile Cases
- Domestic Violence and Protection Orders
- Enhanced Sentencing Authority
- Information Systems Access and Data Entry

<sup>[1]</sup> 42 U.S.C. § 3732(d)(2)

<sup>[2]</sup> As defined in the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (PL 106-559), the term “tribal court”, “tribal court system”, or “tribal justice system” means the entire judicial branch, and employees thereof, of an Indian tribe, including, but not limited to, traditional methods and fora for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record. *This definition excludes CFRs (Courts of Indian Offenses) operated by the BIA and courts operated by the state or federal government. CFRs will be included in the 2013 NSTCS.*

**WHO:** Each federally recognized tribe in the U.S. will be contacted to verify and determine the operation of a recognized judicial system.<sup>[2]</sup>

**WHAT:** Respondents will complete an automated instrument or paper version and submit to KAI.

**WHEN:** Tribal courts should expect to receive the survey materials in early 2015.

**WHY:** The NSTCS will provide long-term benefits for tribes, update the 2002 Census of Tribal Agencies, serve as an authenticated source for tribal court statistics, foster greater transparency in addressing the problems of crime and justice in Indian Country, and enrich tribal eligibility for justice program funding resources, prevention programs, and justice services.

**WHERE:** Tribes may find additional information on the NSTCS via the website: [www.tribalcourtsurvey.org](http://www.tribalcourtsurvey.org), by phone at 1-877-528-4025, or by email at [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com).



Dear Sir or Madame,

Recently your tribal court received a letter from the U.S. Department of Justice and the Office of Justice Programs, Bureau of Justice Statistics (BJS) and Kauffman & Associates, Inc. (KAI), asking that you please verify your tribal court's respondent and contact information.

We would like to again ask that you please visit the site and finish confirming/verifying your court's information as soon as possible. Please use the following steps to complete this process:

- 1) Go to [www.tribalcourtsurvey.org/verify](http://www.tribalcourtsurvey.org/verify) and click on "Sign in"
- 2) Login with the email and password information used when you created your account.
  - If you need to reset your password, you can do so here:  
<https://www.tribalcourtsurvey.org/login.cfm?a=forgot>
- 3) Check to ensure that your tribal court's contact information is up-to-date. Please make any corrections as necessary.
- 4) Once you have verified that the information is correct, click on the "Approve" button located at the top of the web page.

(PLEASE NOTE: This is to verify your tribal court's contact information, and is ***not*** a link to complete the National Survey of Tribal Court Systems.)

Also, please note that you can verify your tribal court information past the deadline originally stated in the letter received by your tribal court. If you experience any issues accessing the web site, please reach out to KAI at [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) or at (877) 528-4025 and we will address the issue immediately.

Again, we are very grateful for your time and attention regarding this matter.

Sincerely,

Adrienne Wiley

**Adrienne Wiley, MSW, MID, Project Manager**  
Kauffman & Associates, Inc.  
T:240-863-0360 C: 301-943-1069  
[www.kauffmaninc.com](http://www.kauffmaninc.com) • [adrienne.wiley@kauffmaninc.com](mailto:adrienne.wiley@kauffmaninc.com)

***"We Do Work That Matters"***  
GSA Contract Holder



U. S. Department of Justice  
Office of Justice Programs

*Bureau of Justice Statistics*

---

Washington, DC 20531

DATE

NAME, TITLE  
STREET ADDRESS  
CITY, STATE ZIP

Dear NAME,

On behalf of the U.S. Department of Justice and the Office of Justice Programs, Bureau of Justice Statistics (BJS), Kauffman & Associates, Inc. (KAI) is conducting the 2014 National Survey of Tribal Court Systems (NSTCS-13). Your tribal court is one of approximately 300 selected to participate. **The NSTCS-14 will be distributed to tribal justice systems across Indian Country in early-2015.**

The Tribal Law and Order Act provides that BJS is to establish and implement a tribal data collection system and report to Congress annually the data collected and analyzed in accordance with the act (P.L. 111-211, 124 Stat. 2258, § 251(b)). The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3732), authorizes this information collection. The request for information will be in accordance with the clearance requirement of the Paperwork Reduction Act of 1980, as amended (44 U.S.C. 3507).

The NSTCS-14 is part of a multifaceted effort by BJS to expand statistical activities related to American Indian and Alaska Native crime and justice issues. The NSTCS-14 will gather administrative and operational information about tribal court systems, including but not limited to staffing, budgets, types of courts, caseloads, access to justice databases and sex offender registration, criminal and civil codes, prosecutors, indigent defense providers, sentencing, and treatment programs.

A brochure that provides additional information on the content of the NSTCS-14 is enclosed for your review. Additional information is also available at the NSTCS-14 website: <http://www.tribalcourtsurvey.org>.

If you any questions or comments about the NSTCS-14, please contact KAI at [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) or at 1-877-528-4025. Thank you in advance for your cooperation on this important data collection effort.

Sincerely,

William J. Sabol, Ph.D  
Acting Director  
Bureau of Justice Statistics

Enclosure: NSTCS-14 Brochure

## General Information

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The 2014 National Survey of Tribal Court Systems (NSTCS), developed by the U.S. Department of Justice, Bureau of Justice Statistics (BJS), covers topics like tribal court administration, operations, staffing, caseloads, parole and probation, information systems, and more. This survey is being sent to all federally recognized tribes in the United States with a court system. The NSTCS will be administered on behalf of BJS by Kauffman & Associates, Inc., a Native-owned research firm.

This brochure is intended to give you a glimpse of survey questions so you can gather the information needed to complete the survey quickly and efficiently. The survey is made up of a mixture of multiple choice and fill-in-the-blank questions. It is understood that not all the categories will pertain to your tribal court, and the survey is designed to accommodate these variances. Upon completion of the study BJS will distribute the findings from the 2014 NSTCS.

If you have any questions,  
please email NSTCS at:  
NSTCS@kauffmaninc.com,  
or call NSTCS at: 1-877-528-4025.

- Alternatives to incarceration (other than probation)?

### Section I. Information Systems Access and Data Entry

- Methods used to manage cases?
- With whom is your tribal court electronically networked for the purpose of transmitting criminal justice information?
- How does your tribal court post registration information to the sex offender registry?
- Does your tribe operate its own victim notification system?
- Does your tribal court maintain a restraining order and/or protection order registry?



## 2014 National Survey of Tribal Court Systems

### Lower 48 Survey

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### Reference List of Select Question Items

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## Section A. Tribal Justice Systems

- Total number of your enrolled tribal members in 2014?
- Total resident population on your reservation, tribal land, or village in 2014?
- Which law enforcement agencies provide the policing function on your reservation, tribal land, tribal community, or village?
- Types of tribal court systems operating in your tribal jurisdiction?

## Section B. Tribal Court Administration

- Number of civil cases filed in your tribal court in 2014? (Both traffic and non-traffic cases)
- Number of criminal cases filed in your tribal court in 2014?
- Number of criminal cases filed involving a non-Indian defendant?
- How are tribal laws and codes made available to the public?
- Qualifications for jury service?

## Section C. Tribal Court System Operations

- How often does your tribal court hold sessions or hear cases?
- Fiscal year 2014 operational budget?
- Which sources provided funding for your tribal court operations in 2014?
- Positions and services funded by your tribal court's operating budget in 2014?
- Qualifications required to serve as a trial or appellate court judge?
- Types and number of personnel employed by your tribal court in 2014?
- Number of DUI/DWI convictions in 2014?
- Does your tribal court rely on county or local government social service agencies for court-ordered treatment in juvenile and/or family cases?

## Section D. Appellate System

- Number of individual judges who hear each appellate court case?
- Number of appellate cases (both criminal and civil) filed 2014?

## Section E. Tribal Prosecution

- Qualifications required to serve as a chief or assistant prosecutor?
- How are prosecutor's office personnel selected for their positions (appointed, elected, hired under contract, or hired as a tribal employee)?
- Does your tribe have a contract with a local or private attorney to provide prosecution services?

## Section F. Public Defense and Civil Legal Services

- Qualifications required to serve as chief public defender, assistant public defender or a lay advocate?
- To whom does your tribe provide free criminal defense services?
- Who delivers your tribe's free criminal defense services?
- Who delivers your tribe's free civil legal services?

## Section G. Pretrial, Probation and Reentry Programs and Services

- Does your tribal court operate a:
  - Pre-trial diversion program
  - Pre-trial release program
  - Probation program
- Number of probation officers employed?
- Number of active probation cases in 2014?
- Does your tribal justice system operate a formal reentry program involved in assisting tribal members planning to return to your community?

## Section H. Juvenile Cases

- Types of juvenile law-violating cases handled by your tribal court?

- Number of juvenile law-violating cases filed in 2014 (both delinquency and status offense cases)?
- Types of juvenile law-violating cases your tribal court handles?
- Who provides free legal representation in juvenile law-violating cases?
- Sentencing options used in juvenile law-violating cases?
- Does your tribal court maintain a probation or parole function for juveniles?
- Types of Indian child welfare or dependency matters your tribal court handles?
- Number of child welfare or dependency cases filed in 2014?
- Number of Indian Child Welfare Act (ICWA) cases were transferred from a state court to your tribal court in 2014?

## Section I. Domestic Violence and Protection Orders

- Number of restraining orders and/or protection orders filed in 2014?
- Number of domestic violence cases filed in 2014?
- Does the state recognize restraining orders and/or protection orders issued from the tribal court?

## Section J. Enhanced Sentencing Authority

- Does your tribe currently exercise the enhanced sentencing authority provided by the Tribal Law and Order Act (TLOA)?
- If no, what factors (if any) has your tribe identified as preventing it from exercising the enhanced sentencing authority under TLOA?
- How does your tribal court record court proceedings?
- Criminal sentencing options currently used for adults?

## General Information

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The 2014 National Survey of Tribal Court Systems (NSTCS), developed by the U.S. Department of Justice, Bureau of Justice Statistics (BJS), covers topics like tribal court administration, operations, staffing, caseloads, parole and probation, information systems, and more. This survey is being sent to all federally recognized tribes in the United States with a court system. The NSTCS will be administered on behalf of BJS by Kauffman & Associates, Inc., a Native-owned research firm.

This brochure is intended to give you a glimpse of survey questions so you can gather the information needed to complete the survey quickly and efficiently. The survey is made up of a mixture of multiple choice and fill-in-the-blank questions. It is understood that not all the categories will pertain to your tribal court, and the survey is designed to accommodate these variances. Upon completion of the study BJS will distribute the findings from the 2014 NSTCS.

If you have any questions,  
please email NSTCS at:  
NSTCS@kauffmaninc.com,  
or call NSTCS at: 1-877-528-4025.

**National Survey of Tribal  
Court Systems**  
NSTCS@kauffmaninc.com  
1-877-528-4025



## 2014 National Survey of Tribal Court Systems

### Alaska Survey

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### Reference List of Select Question Items

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### Section A. Tribal Justice Systems

- Total number of enrolled tribal members in 2014?
- Total resident population on your reservation, tribal land, or village in 2014?
- Which law enforcement agencies provide the policing function on your reservation, tribal land, tribal community, or village?
- Is your tribe or village subject to Public Law 280 Jurisdiction held by the state?

### Section B. Tribal Court Administration

- How long has your tribal court been operational?
- Number of civil cases filed in your tribal court (both traffic and non-traffic cases)?
- How are tribal law and codes made available to the public?
- Does the state recognize your tribal court's orders in the following types of court cases:
  - Child protection (ICWA)
  - Child support
  - Domestic violence
  - Juvenile delinquency
  - Paternity
  - Private child custody (parent v. parent)
  - Other

### Section C. Tribal Court System Operations

- Fiscal year 2014 operational budget?
- Which sources provided funding for your tribal court operations during 2014?
- Types and number of positions and services funded by the court's operating budget in 2014?
- Does your tribal court currently have a victim service program?

- Number of DUI/DWI convictions in 2014?
- Does your tribal court rely on county or local government social service agencies for court-ordered treatment in juvenile and/or family cases?

### Section D. Appellate System

- Number of appellate cases filed by your tribal court (criminal and civil) in 2014?

### Section E. Tribal Prosecution and Indigent Defense

- Does your tribe have a contract with a local or private attorney to provide prosecution services?
- How are prosecutor's office personnel selected for their positions?
- How are public defense office personnel selected for their positions?

### Section F. Pretrial, Probation and Reentry Programs and Services

- Does your tribal court operate a:
  - Pre-trial diversion program
  - Pre-trial release program
  - Probation program
- Number of probation officers employed?
- Number of active probation cases in 2014?
- Does your tribal justice system operate a formal reentry program involved in assisting tribal members planning to return to your community?

### Section G. Juvenile Cases

- Types of juvenile law-violating cases handled by your tribal court?
- Number of juvenile law-violating cases filed in 2014 (both delinquency and status offense cases)?

- Does your tribal court maintain a probation or parole function for juveniles?
- Types of Indian child welfare or dependency matters handled by your tribal court?
- Number of child welfare or dependency cases (for example: Child in Need of Protection or Child in Need of Aid cases) filed in 2014?

### Section F. Domestic Violence and Protection Orders

- Number of restraining orders and/or protection orders filed in 2014?
- Number of domestic violence cases filed in 2014?
- Does the state recognize restraining orders and/or protection orders issued from the tribal court?

### Section G. Information Systems Access and Data Entry

- Methods used to manage cases?
- With whom is your tribal court electronically networked for the purpose of transmitting criminal justice information?
- How does your tribal court post registration information to the sex offender registry?
- Does your tribe operate its own victim notification system?
- Does your tribal court maintain a restraining order and/or protection order registry?

## General Information

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The 2014 National Survey of Tribal Court Systems (NSTCS), developed by the U.S. Department of Justice, Bureau of Justice Statistics (BJS), covers topics like court administration, operations, staffing, caseloads, parole and probation, information systems, and more. This survey is being sent to all federally recognized tribes in the United States with a court system. The NSTCS will be administered on behalf of BJS by Kauffman & Associates, Inc., a Native-owned research firm.

This brochure is intended to give you a glimpse of survey questions so you can gather the information needed to complete the survey quickly and efficiently. The survey is made up of a mixture of multiple choice and fill-in-the-blank questions. It is understood that not all the categories will pertain to your CFRcourt, and the survey is designed to accommodate these variances. Upon completion of the study BJS will distribute the findings from the 2014 NSTCS.

If you have any questions,  
please email NSTCS at:  
NSTCS@kauffmaninc.com,  
or call NSTCS at: 1-877-528-4025.

**National Survey of CFR-  
Court Systems**  
NSTCS@kauffmaninc.com  
1-877-528-4025



## 2014 National Survey of Tribal Court Systems

### CFR Court Survey

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### Reference List of Select Question Items

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## Section A. Administration and Operation

- Which tribes are under the jurisdiction of this Code of Federal Regulations (CFR) court?
- Which law enforcement agencies provide the policing function on the Indian country over which your CFR court has jurisdiction?
- How long has your CFR court been operational?
- Number of civil cases filed in 2014 (both traffic and non-traffic cases)?
- Number of criminal cases filed in 2014?
- How often does your CFR court hold sessions or hear cases?
- Fiscal year 2014 operation budget?
- Which sources provided funding for your CFR court operations during 2014?
- Types and number of positions and services funded by the court's operating budget in 2014?
- Does your CFR court currently have a victim service program?
- Number of DUI/DWI convictions in 2014?
- Does your CFR court rely on county or local government social service agencies for court-ordered treatment in juvenile and/or family cases?

## Section B. Appellate System

- Number of appellate cases filed by your CFR court in 2014 (both criminal and civil)?

## Section C. Prosecution and Indigent Defense

- Does your CFR court currently have a tribal prosecutor or prosecutor's office?
- Does your CFR court currently have a tribal public defender or defender's office?

- Who delivers your CFR court's free criminal defense services?
- Who delivers your CFR court's free civil legal services?

## Section D. Pretrial, Probation and Reentry Programs and Services

- Does your CFR court operate a:
  - Pre-trial diversion program
  - Pre-trial release program
  - Probation program
- Number of probation officers employed?
- Number of active probation cases in 2014?
- Does your CFR court operate a formal reentry program involved in assisting tribal members planning to return to your community?

## Section E. Juvenile Cases

- Types of juvenile law-violating cases handled by your CFR court?
- Number of juvenile law-violating cases filed in 2014 (both delinquency and status offense cases)?
- Who provides free legal representation in juvenile law-violating cases?
- Sentencing options
- Does your CFR court maintain a probation or parole function for juveniles?
- Types of Indian child welfare or dependency matters handled by your CFR court?
- Number of child welfare or dependency cases (for example: Child in Need of Protection or Child in Need of Aid cases) filed in 2014?

## Section F. Domestic Violence and Protection Orders

- Number of restraining orders and/or protection orders filed in 2014?
- Number of domestic violence cases filed in 2014?
- Does the state recognize restraining orders and/or protection orders issued from the CFR court?

## Section G. Information Systems Access and Data Entry

- Methods used to manage cases?
- With whom is your CFR court electronically networked for the purpose of transmitting criminal justice information?
- How does your CFR court post registration information to the sex offender registry?
- Does your tribe operate its own victim notification system?
- Does your CFR court maintain a restraining order and/or protection order registry?



U. S. Department of Justice  
Office of Justice Programs

*Bureau of Justice Statistics*

Washington, DC 20531

DATE

NAME, TITLE  
STREET ADDRESS  
CITY, STATE ZIP

Dear NAME,

On behalf of the U.S. Department of Justice and the Office of Justice Programs, Bureau of Justice Statistics (BJS), Kauffman & Associates, Inc. (KAI) is conducting the 2014 National Survey of Tribal Court Systems (NSTCS-14). Your tribal court is one of approximately 300 selected to participate in this effort.

The Tribal Law and Order Act provides that BJS is to establish and implement a tribal data collection system and report to Congress annually the data collected and analyzed in accordance with the act (P.L. 111-211, 124 Stat. 2258, § 251(b)). The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 U.S.C. 3732), authorizes this information collection. The request for information will be in accordance with the clearance requirement of the Paperwork Reduction Act of 1980, as amended (44 U.S.C. 3507).

The NSTCS-14 is part of a multifaceted effort by BJS to expand statistical activities related to American Indian and Alaska Native crime and justice issues. It is supported by both the Tribal Law Policy Institute as well as the Bureau of Indian Affairs. Your response to the survey will provide much needed information that will drive future policy and planning decisions affecting tribal justice systems throughout Indian Country.

After completing the NSTCS-14, your survey can be completed in one of three ways:

- **Mail:** NSTCS, c/o Kauffman & Associates, Inc., PO Box 15179, Washington, DC 20003-9998
- **Fax:** 301-588-6801
- **Email:** [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) [Please note: An electronic/PDF version of the survey is available. Copies of this version are available on request and will be sent to available tribal court email addresses.]

Please consult with justice system, law enforcement, and finance department representatives as necessary to obtain information to complete the survey in its entirety.

Please provide the information requested no later than **MONTH XX, 2015**. If you experience any issues completing the survey please contact KAI at [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) or at 877-528-4025. Thank you in advance for your cooperation on this important data collection effort.

Sincerely,

William J. Sabol, Ph.D  
Acting Director  
Bureau of Justice Statistics

Enc: Letters of Support

August 4, 2014

Dear Tribal Court:

The U.S. Department of Justice's (DOJ) Bureau of Justice Statistics (BJS), at the request of the U.S. Department of Justice's Office of Justice Programs (OJP), will contact you to request your tribal court's participation in the 2014 National Survey of Tribal Court Systems (NSTCS). Implementation of the NSTCS is part of a multifaceted effort by BJS to expand statistical activities related to tribal crime and justice issues. The goal of the study is to provide long-term benefits for tribes by fostering greater transparency in how issues of crime and justice in Indian Country are addressed.

In 2002, BJS conducted a Census of Tribal Justice Agencies in Indian Country that focused on the then 341 federally recognized tribes in the lower 48 states. That study provided an important snapshot of the variety and complexity of justice systems in Indian Country. However, additional study is required to bring the depth and detail needed to fully understand court systems in Indian Country—particularly systems currently operating in Alaska tribes and villages.

The study is important for a better understanding of tribal court systems operating under the authority of American Indian tribes and Alaska Native villages. The NSTCS seeks to understand and fully appreciate the history of tribal governance; the complexity surrounding tribal, state, and federal jurisdictions; and the relationship between and among the many entities involved in the administration of justice across Indian Country. It will also enrich tribal eligibility for justice program funding resources, prevention programs, and justice services.

An accurate snapshot of justice in Indian country is dependent upon you. I ardently encourage you to participate in the 2014 NSTCS. With your help, the NSTCS can collect the necessary information to ensure our tribal courts are of the highest quality and are able meet their unique and culturally related judiciary needs. Your participation in this worthwhile endeavor will serve to advance the understanding and support of tribal court systems throughout United States.

Thank you again for your support of the 2014 National Survey of Tribal Court Systems.

Cordially,

A handwritten signature in black ink, appearing to read "Jerry Gardner", with a stylized flourish at the end.

Jerry Gardner, Executive Director  
Tribal Law and Policy Institute



# American Probation and Parole Association

A Force for Positive  
CHANGE.

c/o The Council of State Governments • P.O. Box 11910 • Lexington, KY, 40578-1910 • Ph. (859) 244-8203 • Fax (859) 244-8001 • E-mail: [appa@csg.org](mailto:appa@csg.org)

August 11, 2014

**PRESIDENT**

Carmen Rodriguez  
Illinois

Bureau of Justice Statistics  
Office of Justice Programs  
810 Seventh Street NW  
Washington, DC 20531

**PRESIDENT-ELECT**

Susan Burke  
Utah

To Tribal Court Leaders:

The American Probation & Parole Association (APPA) is pleased to provide this letter in support of the **National Survey of Tribal Court Systems (NSTCS-14)** being conducted by the Bureau of Justice Statistics.

**VICE-PRESIDENT**

Mack Jenkins  
California

As a national training and technical assistance provider for American Indian/Alaska Native (AI/AN) justice agencies, APPA recognizes and emphasizes to tribal leaders the importance of the survey data for improving the nation's understanding of the uniqueness of tribal justice systems and the significant work they perform, as well as to help identify areas where additional support is needed. To date, much of the information known about the operations of tribal justice systems has been anecdotal. The aggregation of data collected from participating tribes will provide a more accurate picture of the great work AI/AN communities are engaged in to enhance public safety and better the lives of members involved in the justice system.

**SECRETARY**

Erika Previtt  
Oregon

Further, the available information specific to community corrections activities (pretrial, probation, reentry, and alternatives to incarceration) in AI/AN communities is significantly lacking and has never been an area of focus on previous iterations of national tribal court surveys. In recent years, there has been tremendous growth and enhancement among AI/AN justice agencies in the field of community corrections. The NSTCS-14 has included community corrections as a *specific area of focus*; therefore, completion of this survey will allow AI/AN justice agencies to provide data that will capture actual data on community corrections activities so these activities can be captured, highlighted and shared in a way that has never happened before.

**TREASURER**

Paula Keating  
Massachusetts

In conclusion, APPA encourages tribal leaders to participate in this national gathering of information specific to AI/AN tribal justice systems as a way to demonstrate the great work being conducted in their communities!

**AT-LARGE AFFILIATE**

**REPRESENTATIVE**

Francine Perretta  
New York

Sincerely,

**AT-LARGE REGIONAL**

**REPRESENTATIVES**

William Ashe  
Washington, D.C.

Carl Wicklund  
Executive Director

Deborah Minardi  
Nebraska

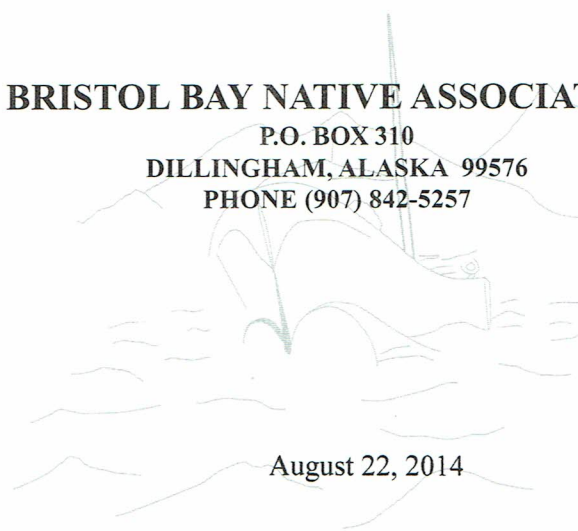
**EXECUTIVE DIRECTOR**

Carl Wicklund



# BRISTOL BAY NATIVE ASSOCIATION

P.O. BOX 310  
DILLINGHAM, ALASKA 99576  
PHONE (907) 842-5257



August 22, 2014

Tribal Councils  
Served by BBNA:

Aleknagik

Chignik Bay

Chignik Lagoon **Dear Tribal Court:**

Chignik Lake

Clarks Point

Curyung

Egegik

Ekuk

Ekwok

Igiugig

Iliamna

Ivanof Bay

Kanatak

King Salmon

Kokhanok

Koliganek

Levelock

Manokotak

Naknek

New Stuyahok

Newhalen

Nondalton

Pedro Bay

Perryville

Pilot Point

Port Heiden

Portage Creek

South Naknek

Togiak

Twin Hills

Ugashik

In the upcoming weeks the U.S. Department of Justice's (DOJ) Bureau of Justice Statistics (BJS), at the request of the U.S. Department of Justice's Office of Justice Programs (OJP), will contact you to request your tribal court's participation in the 2014 National Survey of Tribal Court Systems (NSTCS).

Implementation of the NSTCS is part of a multifaceted effort by BJS to expand statistical activities related to tribal crime and justice issues. The goal of the study is to provide long-term benefits for tribes by fostering greater transparency in how issues of crime and justice in Indian Country are addressed.

The Bristol Bay Native Association fully supports the effort to conduct the NSTCS. Findings from this survey are vitally important to improving the nation's understanding of tribal justice systems in Alaska and the significant work they perform. The NSTCS will also help identify areas where additional support for tribal court operations and administration is needed. Survey data will enrich tribal eligibility for justice program funding resources, prevention programs, and justice services. More importantly, the NSTCS will provide an accurate picture of how Alaska Native tribal court systems operate—an area where detailed information is very much needed.

We support this valuable endeavor to advance the understanding and support of tribal court systems throughout United States. Your tribal court's participation in the 2014 NSTCS is paramount. It will help guarantee that the information collected for the NSTCS is of the highest quality and can meet the unique and culturally related judiciary needs of Alaska courts. The survey needs your input in order to ensure an accurate snapshot of tribal justice in the Alaska region.

Thank you again for your support of the 2014 National Survey of Tribal Court Systems.

Sincerely,

Ralph Andersen  
President & CEO

## Phone Script for 1<sup>st</sup> NSTCS-14 Follow-Up

Good [Morning/Afternoon].

My name is [NAME] from Kauffman & Associates, Inc. (KAI). We're reaching out to you on behalf of the Bureau of Justice Statistics (BJS) to verify that your tribal court has received the 2014 National Survey of Tribal Court Systems. The surveys were distributed via email and postal mail on **MONTH/DAY**. Could you please confirm if your court received a copy of the survey?

### **IF "YES":**

Wonderful! Thank you for confirming. We're asking that you please submit your responses by **MONTH/DAY**. You can mail, fax or email your responses. Our mailing address, fax number, and email address are listed on the first page of the survey, or I can provide them to you now if you prefer.

[**Mail:** NSTCS, c/o Kauffman & Associates, Inc., PO Box 15179, Washington, DC 20003-9998]

[**Fax:** 301-588-6801]

[**Email:** NSTCS@kauffmaninc.com]

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### **IF "NO":**

I am sorry that you've not yet received the survey. Could you please confirm your tribal court's mailing and email address? [RECORD MAILING/EMAIL INFORMATION. UPDATE CORRESPONDING RECORD IN TRIBAL COURT UNIVERSE DATABASE.]

Thank you. We will send a copy to this address right away. I apologize for the inconvenience.

We're asking tribal courts submit their responses by **MONTH/DAY**. You can mail, fax, or email the survey once you are finished. Our mailing address, fax number, and email address are listed on the first page of the survey, or I can provide them to you now if you prefer.

[**Mail:** NSTCS, c/o Kauffman & Associates, Inc., PO Box 15179, Washington, DC 20003-9998]

[**Fax:** 301-588-6801]

[**Email:** [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com)]

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Thank you for taking the time to talk with me. We look forward to receiving your court's responses. Again, please submit your responses by **MONTH/DAY**. If you have any questions in the meantime, please feel free to contact us at [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) or at 877-528-4025.

Thank you again for your time. Have a wonderful day. Good-bye.



U. S. Department of Justice  
Office of Justice Programs

*Bureau of Justice Statistics*

---

Washington, DC 20531

DATE

NAME, TITLE  
STREET ADDRESS  
CITY, STATE ZIP

Dear NAME,

Recently your tribal court received a package containing a letter from the U.S. Department of Justice and the Office of Justice Programs, Bureau of Justice Statistics (BJS) and Kauffman & Associates, Inc. (KAI), asking that you please take part in the 2014 National Survey of Tribal Court Systems (NSTCS-14).

An additional copy of the NSTCS-14 has been included with this letter. We would like to again ask that you please complete and submit your court's responses as soon as possible. Please consult with justice system, law enforcement, and finance department representatives as necessary to obtain information to complete the survey in its entirety.

Your finished survey can be submitted in one of three ways:

- **Mail:** NSTCS, c/o Kauffman & Associates, Inc., PO Box 15179, Washington, DC 20003-9998
- **Fax:** 301-588-6801
- **Email:** [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) [Please note: An electronic/PDF version of the survey is available. Copies of this version are available on request and will be sent to available tribal court email addresses.]

Again, the NSTCS-14 is part of a multifaceted effort by BJS to expand statistical activities related to American Indian and Alaska Native crime and justice issues supported by groups such as the Tribal Law Policy Institute and the Bureau of Indian Affairs. Your response to the survey will provide much needed information that will drive future policy and planning decisions affecting tribal justice systems throughout Indian country.

Please provide the information requested no later than **Month XX, 2015**. If you experience any issues completing any part of the survey, please contact KAI at [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) or at 877-528-4025. Thank you in advance for your cooperation on this important data collection effort.

Sincerely,

William J. Sabol, Ph.D  
Acting Director  
Bureau of Justice Statistics

Enc: NSTCS-14

Dear Sir or Madame,

Recently your tribal court received a copy of the 2014 National Survey of Tribal Court Systems (NSTCS-14) from the U.S. Department of Justice and the Office of Justice Programs, Bureau of Justice Statistics (BJS) and Kauffman & Associates, Inc. (KAI). Your tribal court is one of approximately 300 selected to participate in this effort.

We are again asking that you please complete and submit your court's responses as soon as possible. Please consult with justice system, law enforcement, and finance department representatives as necessary to obtain information to complete the survey in its entirety.

Your finished NSTCS-1 survey can be submitted in one of three ways:

- **Mail:** NSTCS, c/o Kauffman & Associates, Inc., PO Box 15179, Washington, DC 20003-9998
- **Fax:** 301-588-6801
- **Email:** [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) [Please note: An electronic/PDF version of the survey is available. Copies of this version are available on request and will be sent to available tribal court email addresses.]

(Please provide the information requested no later than **Month XX, 2015**. If you experience any issues completing any part of the survey, please contact KAI at [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) or at 877-528-4025.

Again, we are very grateful for your cooperation on this important data collection effort.

Sincerely,

## Phone Script for Final NSTCS-14 Follow-Up/Survey Retrieval

Good [Morning/Afternoon].

My name is [NAME] from Kauffman & Associates, Inc. (KAI). We're reaching out to you on behalf of the Bureau of Justice Statistics (BJS) regarding the 2014 National Survey of Tribal Court Systems. We reached out to you last month to confirm receipt of the survey and simply wanted to follow-up on your court's progress with completing the survey. Have you or someone else in the court had a chance to complete the survey?

### **IF "YES":**

Wonderful! Have you or someone else submitted the completed survey to us yet?

*IF NO:* Please submit your responses as soon as you can. As has been mentioned before, we're asking that you please submit your responses by **Month/Day**. You can mail, fax, or email your responses. Our mailing address, fax number, and email address are listed on the first page of the survey, or I can provide them to you now if you prefer.

[**Mail:** NSTCS, c/o Kauffman & Associates, Inc., PO Box 15179, Washington, DC 20003-9998]

[**Fax:** 301-588-6801]

[**Email:** [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com)]

*IF YES:* [CONFIRM METHOD OF SURVEY SUBMISSION] Wonderful! We make it a point to look for your court's response right away.

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### **IF "NO":**

I understand. We honestly appreciate any time you'd be willing to spare to complete the survey. The information will go a long way toward helping inform decisions that may impact tribal courts across Indian Country. Is there something we can do to help your court finish the survey?

*SPECIFIC ACTION SUGGESTED:* Let me see what we can do to help with that. Is this the best number to reach you or would you prefer email or another number?

*NO ACTION TO TAKE:* If there is anything we can do, please do not hesitate to let us know. The survey is voluntary and we want to lessen the burden of completing it where we can.

As has been mentioned before, we're asking that you please submit your responses by **Month/Day**. You can mail, fax, or email your responses. Our mailing address, fax number, and email address are listed on the first page of the survey, or I can provide them to you now if you prefer.

[**Mail:** NSTCS, c/o Kauffman & Associates, Inc., PO Box 15179, Washington, DC 20003-9998]

[**Fax:** 301-588-6801]

[**Email:** [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com)]

-----  
Thank you very much for taking the time to talk with me. We look forward to receiving your court's responses. Again, please submit your responses by **Month/Day**. If you have any questions in the meantime, please feel free to contact us at [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com) or at 877-528-4025.

Thank you again for your time. Have a wonderful day. Good-bye.

Dear [INSERT NAME]

Thank you for agreeing to take part in the field test process of the 2013 National Survey of Tribal Court Systems (NSTCS).

### **Purpose**

As you may know, the Bureau of Justice Statistics (BJS), the principal statistical agency within the U.S. Department of Justice, is responsible for the collection, analysis, publication, and dissemination of statistical information on crime and the criminal justice system at all levels of government. The Tribal Law and Order Act of 2010 (TLOA) mandates that BJS “establish and implement such tribal data collection systems as the BJS Director determines to be necessary.” The NSTCS will help BJS address this mandate.

On behalf of BJS, Kauffman & Associates, Inc. (KAI), a Native-owned research firm, will administer the survey. As part of this process, it is necessary to first test the survey with intended participants to determine if any survey items are problematic. This test will also provide an idea of how much time is needed to complete the survey.

The NSTCS will provide long-term benefits for tribes as it will, among other outcomes:

- Serve as an authenticated source for tribal court statistics
- Affirm the sovereignty of tribal nations
- Highlight the unique nature of tribal justice systems
- Assist in strategic planning
- Enrich tribal eligibility for justice program funding resources, prevention programs, and justice services

### **Field Test Process**

There are three ways to submit your survey answers:

- (1) *If you entered information directly into the Word file:* Please download and save a copy of the document, including your tribe’s name as part of the filename. (For example, “Draft NSTCS\_TribeName.doc”) Email the file to [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com)
- (2) *If you completed the survey by hand:* Scan and save the survey using the naming format described above. Email the file to [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com)
- (3) *If you completed the survey by hand:* Fax the completed document to the **ATTN: NSTCS KAUFFMAN** at **(301) 588-6801**

**Please note that your answers to survey questions should contain information from calendar 2012, not 2013.**



We'd like to know how much time it took to complete the survey. Please make any additional notes or comments directly onto the survey OR submit your thoughts via email to [NSTCS@kauffmaninc.com](mailto:NSTCS@kauffmaninc.com). We ask that you please submit the completed survey **no later than July 22<sup>nd</sup>, 2013**.

Thank you again for your time and willingness to contribute to the creation of the National Survey of Tribal Court Systems.

# 2013 National Survey of Tribal Court Systems: Summary of Field Test Findings

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This 2013 National Survey of Tribal Court Systems: Summary of Field Test Findings was conducted by Kauffman & Associates, Inc., under contract number 501/2011-BJ-CX-K077 for the Department of Justice Office of Justice Programs, Bureau of Justice Statistics.

August 16, 2013

Submitted to:  
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## Executive Summary

The Bureau of Justice Statistics (BJS) within the Department of Justice Office of Justice Programs is preparing to conduct the 2013 National Survey of Tribal Court Systems (NSTCS-13). This survey, which will be sent to all federally recognized tribes operating a court system, will provide a much-needed and federally mandated update of the 2002 Census of Tribal Justice Agencies in Indian Country. Working on behalf of BJS, Kauffman & Associates, Inc. (KAI) will administer the survey.

Three versions of the NSTCS-13 have been developed: a version for tribes located in the contiguous United States (also known as the “Lower 48”) operating traditional or intertribal courts, a version for Alaska Native tribes and villages, and a version for tribes using Courts of Indian Offenses (CFR courts) operated by the Bureau of Indian Affairs (BIA). As part of the survey development process, each survey was distributed to tribal courts that volunteered to complete the draft surveys.

Nine tribes participated in the field tests of the NSTCS-13:

- 5 completed the Lower 48 version,
- 3 completed the Alaska version, and
- 1 completed the CFR court version.

Participants were not provided compensation for their time or services.

Feedback from the field test experience was overwhelmingly positive. Participants reported that survey content appeared relevant (i.e., questions related to the day-to-day operations of tribal courts) and questions for the most part were easily understood. Some particular findings of note include:

- Field test participants often required assistance and input from other departments or colleagues in order to answer questions on various topics throughout the survey, particularly when answering questions about law enforcement in tribal communities.
- Most respondents preferred having a hard copy (i.e., paper version) of the survey. Only three expressed an interest in completing an online version of the instrument.
- Several field testers demonstrated difficulty completing the draft surveys using the Word-formatted file, resulting in missing/omitted answers or an accidentally reformatted document.

KAI has made several recommendations for the final development of the survey instrument, such as:

- Creating a PDF version of the survey to avoid respondent error or document reformatting,
- Clarifying terms and references field test participants identified as vague or confusing, and
- Rewording questions within the Operations and Juvenile Justice sections to capture the range of administrative and developing codes and services throughout Indian Country.

Additional recommendations have been included. A worksheet recording field test participants’ answers to each survey can be found in the Appendix.

## Lower 48 Survey Results

Five tribes agreed to participate in the field testing for the Lower 48 (L48) version of the survey:

- Tulalip (Northwest Intertribal Court)
- Mississippi Choctaw (Mideast/Medium-Large Tribe)
- Confederated Salish and Kootenai Tribes of the Flathead Nation
- Hoopa (West/Small Tribe/PL 280)
- Laguna Pueblo (Southwest/Pueblo)

## Completion Process

On average, participants took 2 hours and 15 minutes to complete the survey. Hoopa reported the longest completion time ( $n=4$  hours) while Laguna Pueblo completed the survey in the shortest amount of time ( $n=1$  hour). Table 1 indicates respective completion times by participant.

Table 1: Completion times for L48 field test participants

	Tulalip	Mississippi Choctaw	Salish & Kootenai	Hoopa	Laguna Pueblo
Completion Time (in hours/minutes)	2	1 hour, 20 minutes	3	4	1

Draft surveys were sent to a specific point of contact within each tribe. However, every participant sought assistance or information from one or more offices within their respective tribal court system. Additional information came from sources, such as annual tribal reports, where available.

## Missed/Unanswered Questions

All of the survey responses contained questions that participants failed to answer. The majority of these null values resulted from participant error: Most simply forgot to answer the particular question. In several instances, the participant skipped the question while completing the survey, intending to return and answer the item later. Some participants also had difficulty completing the answers using the Word format survey file, particularly when using the check boxes or when entering text directly to the file. A few participants printed the survey, completed the survey by hand, and then transferred answers to the Word file; this led to a few instances where answers were omitted accidentally when submitting the survey electronically.

## Format Preference

Four of the five participants expressed preference for a paper version of the survey as opposed to an electronic version. Many felt that the paper version made it easier to complete, particularly when working with another person. Only one tribe (Laguna Pueblo) would have preferred to complete the survey online.

## General Feedback

Overall, all field test respondents reported that survey questions were clear and easily understood. Each reported that the survey seemed to be an appropriate length (specifically, not too long or burdensome to complete). All participants also felt that each of the survey sections asked relevant questions. No one provided suggestions for additions or deletions to survey content when asked.

## Content-Specific Comments

- The Confederated Salish & Kootenai participant noted that law enforcement (which includes parole and probation) is a separate division apart from the tribal court. Therefore, questions inquiring about the number or type of law enforcement were difficult to answer. The field tester suggested further defining “court employees” in Q#D7 or amending the question to read “tribal court system” rather than “tribal court.”
- The Hoopa participant reported leaving Q#A5 intentionally blank. The field tester felt the question and available answers did not apply to the Hoopa Tribal Court: While traditional or indigenous components are available to the court, it does not use them.
- The Tulalip field tester experienced the greatest number of issues while completing the survey:
  - The participant had difficulty locating an answer for Q#A2 (re: resident population). The question went unanswered as a result.
  - Q#C3 posed some difficulty. While seven judges serve on the appellate court panel, only three judges hear an individual case at a given time.
  - The participant did not understand Q#C4. She asked that we define *rotating* and *permanent* more clearly.
  - Q#E2 also seemed confusing. While the NW Intertribal Court has a prosecutor, the position is not staffed (funded) by the court’s operating budget.
  - Q#G1 was misunderstood and answered incorrectly (i.e., the first box should have been checked and the subsequent skip direction followed). Confusion stemmed from the fact that the court does not handle juvenile law violating behavior cases; all juvenile cases are instead treated as dependency matters.
  - Questions #I14-#I16 also generated confusion. This was due largely to the aforementioned division of departmental responsibilities and data. The police and law enforcement division had some of this information, but it was not readily accessible to the field tester. As a result, she was not sure how to answer the questions. Perhaps with more time, it would have been possible to obtain the necessary information.

## Alaska Survey Results

Three tribes agreed to participate in the field testing for the Alaska version of the survey:

- Nulato

- Central Council of Tlingit & Haida Indian Tribes of Alaska (Tlingit & Haida)
- Native Village of Barrow

## Completion Process

The Alaska version of the NSTCS-13 took comparatively less time for field testers to complete. The reported times do not reflect the amount of time that passed between requests for information, but rather the time needed to physically complete the survey instrument. Table 2 indicates respective completion times by participant.

**Table 2: Completion times for Alaska field test participants**

	<b>Nulato</b>	<b>Tlingit &amp; Haida</b>	<b>Barrow</b>
<b>Completion Time (in hours/minutes)</b>	25 minutes	30 minutes	N/A

Draft surveys were sent to a specific point of contact within each tribe. The Nulato field tester completed the survey without assistance. The participant from Tlingit & Haida, however, consulted with multiple departments. Additional information was obtained from other sources, such as a quarterly tribal letter, when available.

## Missed/Unanswered Questions

All of the survey responses contained questions that participants failed to answer. Many omissions were accidents on the part of field test respondents. However, participants also displayed some difficulty completing the answers using the Word-formatted survey file. There appeared to be several issues regarding the use of the check boxes to answer questions. (Barrow opted to underline or bold its answers rather than using the check boxes.) Tlingit & Haida had several missing answers. During the debrief interview, the field tester noted that she had first printed and completed the survey by hand, and then transferred answers to the Word file. Several answers were omitted accidentally when submitting the survey electronically, though she was readily able to provide answers during the follow-up interview.

There were also a few instances of questions being answered incorrectly. During debrief discussions, Tlingit & Haida indicated that the correct answer to Q#B5 (regarding criminal jurisdiction) is “No.” The field tester also failed to provide actual counts in Q#D3 (regarding court personnel). (Figures were provided during the follow-up interview.) Barrow failed to provide an actual figure in its answer to Q#B10 (regarding alternative dispute resolution counts), and provided four different figures in its answer to Q#D1.

## Format Preference

Format preference was split: Nulato preferred a paper version while Tlingit & Haida would have preferred an online option (assuming answers could be saved and the survey could be completed across a period of time).

## General Feedback

All field test participants felt that, overall, survey questions and content were clear and relevant to tribal court case loads and operations. No questions were suggested for deletion. Both Nulato and Tlingit & Haida recommended adding an “Other” answer category to several of the questions, particular those that only offer “Yes” or “No” options.

## Content-Specific Comments

- The Tlingit and & Haida participant reported using online information to answer Q#A1.
- Regarding Q#B12, the Tlingit & Haida field tester would have preferred to have space to describe special case circumstances. Nulato noted that the option “N/A – Tribal court does not hear these cases” does not apply to its tribal court, which hears and issues court orders without registering them with the state. A non-conditional “N/A” answer option is preferred.
- The Nulato field tester requested either clarifying or changing the language in Q#B3 to *civil cases*.
- Regarding Q#E1: Nulato answered both the first and last answer options (an error). The field tester noted that both answers were selected because the tribe is currently on its code to create a circle sentencing style court for juveniles. It does not, however, currently hear juvenile cases.
- Additional questions or information requested by field participants included:
  - Questions regarding elected judges or tribal judiciary councils (in Section B)
  - A list of the agencies offering technical assistance (Questions #D4-D5)

## CFR Court Survey Results

One tribe agreed to participate in the field testing for the Court of Federal Register/Court of Indian Offenses (CFR Court) survey:

- Modoc (Miami Agency CFR)

## Completion Process

The field test participant needed 1½ hours to complete the survey (see Table 3). This accounted for the time needed to consult with additional personnel in order to answer questions throughout the instrument, though she noted most of the information (or resources to access information) was at her disposal.



Table 3: Completion times for CFR Court field test participants

	<b>Tulalip</b>
<b>Completion Time (in hours/minutes)</b>	1 hour, 30 minutes

## Format Preference

The Miami Agency CFR participant expressed preference for an online version of the survey, noting that such an option would be easier to complete.

## Missed/Unanswered Questions

The field test participant failed to answer three questions within the survey:

- Q11 (regarding qualifications for employment): The field tester noted that applicants can obtain waivers for each of the qualifications listed in the question, effectively ensuring that none are specifically *required* in order to serve as a trial or appellate court judge.
- Q40 (regarding electronic data access and transmission): The question is not applicable to the Miami Agency CFR.
- Q42 (regarding FBI CJIS databases): The field test participant explained that access is based on individual membership to a particular database. As not all judges or law enforcement officers are members, the question could not be answered for the entire court.

## General Feedback

The field tester felt that, overall, the survey was easy to complete. No additional recommendations to improve the survey were made.

## Content-Specific Comments

The only issue of note referred to by the field test participant stemmed from the court's interaction with both BIA and tribal law enforcement. This dual involvement made it difficult to answer some of the questions specifically inquiring about law enforcement, particularly those providing policing functions (Q#A2). The field tester could provide answers or information as it related to BIA law enforcement, but not tribal law enforcement.

## Recommendations

- Maintain ability to provide estimate figures for questions seeking specific counts or amounts.
- Listing court employee/personnel counts proved difficult for some participants. Few filled out the question correctly or provided an accurate total number of employees. If the purpose of the

question is to identify the type/range of personnel serving in tribal courts (as opposed to how many of each employee), then the directions should be amended to reflect this (i.e., remove the need for count and instead provide space to check positions that are served within the tribal court system).

- Maintain the current length and section content of the survey drafts. No sections at this juncture need to be deleted or added.
- Participant responses suggest that these surveys cannot feasibly be completed by a single individual. Amend directions to make it clear that more than one individual can provide answers. However, a single point of contact per tribe must be maintained in order to facilitate communication during survey dissemination and completion.
- Some participants had difficulty completing the answers using the Word format survey file, such as using the check boxes to answer questions. Several inadvertently changed the formatting of the entire survey instrument in their attempt to enter information into the Word document. Formatting the survey as an Adobe PDF file (whose layout respondents cannot alter) should address this issue.
- As six of the nine field test participants expressed a preference for a paper version of the survey, an online version should not be offered at this time. Such an option should be considered for future iterations of the survey.
- Ambiguous or confusing terms (as identified by field testers) should be clarified within the relevant question.
- Amend Yes/No questions to include an answer option of “Not applicable.”
- The conclusion page of the surveys should be amended. Additional text should direct respondents to review the survey to ensure completion of all questions prior to submitting the finished instrument.
- Discussions with BJS are needed in order to resolve the following remaining issues:
  - Amending the Juvenile Justice section in order to accurately capture the various nuances of operations for this specific type of court;
  - Distinguishing between BIA and tribal law enforcement counts (CFR court survey-specific);
  - Providing tribes with space and opportunity to describe codes or courts currently in development (if desired); and
  - Understanding how to proceed with individual court follow-up in the case of missing or unanswered survey questions.

## Addendum: Results from Native Village of Barrow

The final field test participant of the Alaska version of the NSTCS-13 hailed from the Native Village of Barrow (Barrow). Information was obtained after the initial field test summary report had been created.

### Completion Process

The Barrow field tester required the longest amount of time to complete the survey (approximately 4 hours). The four hours reflect the time and labor needed to obtain the necessary information to answer all of the questions. The respondent noted that input was required from more than one department, particularly the Director of Finance for the tribal court system

### Missed/Unanswered Questions

The Barrow participant completed all of the questions within the survey with two exceptions: they failed to provide an actual number in response to Q#B10 (re: conflicts settled using alternative dispute resolution) and Q#E2, Part C (re: counts for other types of juvenile law-violating behavior cases). A general statement was provided for question QB#10. The participant was unable to provide an answer for Q#E2 during the follow-up debrief session.

### Format Preference

The field participant did not express a preference for either paper or online versions of the survey.

### General Feedback

Overall, all field test respondents reported that survey questions were clear and easily understood. Comments were made regarding the detailed nature of the questions, but the field tester noted that such information appropriately reflected court operations and activities.

### Content-Specific Comments

The field tester from Barrow made several comments about the tribal court's current issues with funding, specifically the lack thereof, and how it affects the court's ability to increase services and transition its administration to an electronic system. The participant recalled a recent experience where grant funding allowed for the purchase of new software for court system operations, but did not cover the costs of adequate levels of staff training.

Additional field test comments focused on the following:

- Q#B4 (re: count of civil cases filed): The field tester felt that this question failed to capture the cases *heard* during the calendar year 2012. The field tester additionally suggested rephrasing "cases heard" or "cases open" rather than "cases filed."
- The field tester requested additional questions that would identify the number and range of available services that fall under a tribal court's civil jurisdiction (e.g., ICWA or voluntary services).