



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Statistics

Washington, DC 20531

MEMORANDUM

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DATE: December 6, 2023

SUBJECT: BJS request for Office of Management and Budget (OMB) clearance to conduct outreach and engagement for the 2024 Census of Tribal Law Enforcement Agencies and 2024 Census of Tribal Court Systems under BJS Generic Clearance Agreement (OMB# 1121-0339).

Introduction

The Bureau of Justice Statistics (BJS) requests clearance (under OMB Number 1121-0339) to contact the 574 federally recognized tribes to conduct outreach and engagement with tribes and tribal justice practitioners to gather input on the development of the 2024 Census of Tribal Law Enforcement Agencies (CTLEA) and 2024 Census of Tribal Court Systems (CTCS) questionnaires. A series of virtual webinars will be held early 2024 with tribal leaders, law enforcement and court practitioners to gather this input. These collections are part of the Tribal Justice Statistics Program (TJSP) and help to fulfil the mandate of the Tribal Law and Order Act (TLOA) of 2010.

History of the Collections

The Tribal Law and Order Act (TLOA) of 2010 requires the BJS to (1) establish and implement a tribal crime data collection system, (2) consult with Indian tribes to establish and implement this data collection system, and (3) report annually to Congress on the data collected and analyzed in accordance with the Act. To help fulfill this mandate, BJS developed the Tribal Justice Statistics Program (TJSP), which includes three separate data collection efforts of tribal agencies: the Survey of Jails in Indian Country (SJIC), CTLEA, and CTCS. BJS is planning to conduct new iterations of the CTLEA and CTCS in 2025, with a reference year of 2024.

The 2019 CTLEA collected data from tribal law enforcement agencies, including tribally operated agencies, BIA police agencies, and the Alaska State Police operating the Alaska Village Public Safety Officers program. The 2019 CTLEA provided a profile of tribal law enforcement by type of agency, the number of agencies and full-time sworn employees, jurisdictional authority, officer equipment and training, the number of calls for service and arrests, and functions performed on a regular basis. The information was published in *Tribal Law Enforcement in the United States, 2018* (NCJ 306022, BJS web, July 2023). The survey was administered to 258 tribal law enforcement agencies responsible for policing in Indian country and Alaska Native villages and obtained a response rate of 92%.

The 2014 National Survey of Tribal Court Systems (NSTCS), precursor to the CTCS, captured data from the tribal courts and Bureau of Indian Affairs (BIA) Code of Federal Regulation (CFR) courts on their administration and operational characteristics, including the number and types of courts, subject- and person-level jurisdiction exercised, sources of operational funding, handling of juvenile or Indian Child Welfare Act matters, and various aspects of courthouse workgroups—prosecutors, public defense and victim service programs. The information was published in *Tribal Courts in the United States, 2014* (NCJ 301214, BJS web, July 2021). The survey was administered to 234 tribal court systems and achieved a response rate of 84%.

Due to the length of time since the last administration of these surveys and the changing landscape in providing services on tribal lands, updated data are needed to reflect the status of tribal law enforcement agencies and tribal court systems. Through a cooperative agreement with NORC at the University of Chicago and its partners the International Association of Chiefs of Police (IACP), the National American Indian Court Judges Association (NAICJA), and the Tribal Policy and Law Institute (TLPI), BJS will conduct the 2024 CTLEA and the 2024 CTCS

(award 15PBJs-22-GK-00680-BJSB.)

In preparation of the 2024 CTLEA and 2024 CTCS, BJS is seeking OMB generic clearance to host a series of listening sessions to provide feedback on the instruments.

Instrument Outreach and Engagement Webinars

In order to update the CTLEA and CTCS survey instruments for the 2024 collections, a series of three webinars will be planned for early 2024. The webinars will serve as listening sessions so that those working in the tribal community and affiliated with the tribal justice system may provide feedback on the survey topics and items. Each the following webinars will be held virtually and scheduled for 90 minutes:

- Tribal leader’s webinar in February 2024
- Tribal law enforcement webinar in February 2024
- Tribal court systems webinar in February 2024

Invitation letters with the one-page project summaries for the CTLEA (**Attachment A**) and CTCS (**Attachment B**) will be sent to tribal leaders, tribal law enforcement and court practitioners. The invite letter for tribal leaders will be sent to the 574 federally recognized tribes and leaders based on the BIA tribal directory (**Attachment C**).¹ The tribal leaders will receive a letter from the BJS Director announcing outreach and engagement with tribes on the CTLEA and CTCS projects prior to the invitation letter (**Attachment D**).

The invite letter for the tribal law enforcement (**Attachment E**) and tribal court systems (**Attachment F**) webinars will be sent to all the known law enforcement agencies and courts systems.² The estimated number of contacts for the law enforcement and courts webinars is equal to the number of known federally recognized tribal police departments (258) and courts (345). Pre-registration will be required for all webinars. Registrants will be required to provide: (1) name, (2) Tribe affiliation, (3) agency or court name, (4) title, (5) email address, and (6) phone number.

During each 90-minute webinar, introductions to key project staff will occur, followed by a short summary of the BJS Tribal Justice portfolio. The remaining time will serve as a listening session for attendees to provide feedback on survey topics to help develop draft survey questions. Prompts, including topics of potential importance to tribal justice agencies, items that were included on the previous surveys, and emerging topics in criminal justice that would merit additional discussion, will be used to guide discussion (**Attachment G**).

For each webinar, NORC will document the discussion to ensure that all feedback from the webinars is collected and a summary document is provided to BJS.

¹ <https://www.bia.gov/service/tribal-leaders-directory>

² The list of tribal law enforcement agencies and tribal courts invited will be derived from the 2019 CTLEA and 2014 CTCS respondent universe, and the current membership list from the International Association of Chiefs of Police, Indian country law enforcement section, and the National American Indian Court Judge Association.

Burden

The burden-hour estimates for the respondents are provided in Table 1. The project team expects that tribal leadership will spend 5 minutes reading the invitation and registering for the webinar and 90 minutes attending the webinar. While we have estimated burden for all contacted tribal leaders and TLE agencies/tribal courts, we anticipate that fewer individuals will register for and attend the webinars. The burden time for all contacts under this request is 1,541 hours.

Table 1. Burden-Hour Estimates for Respondents

Category of respondent	Task Description	Number of participants	Burden (in minutes)	Total burden (in hours)
WEBINAR I				
Tribal Government	Tribal Leader invitation and registration	574	5	48
Tribal Government	Tribal Leader Webinar participation (estimate based on tribes with known justice agencies (police or courts) based on the previous CTLEA and CTCS data collections)	345	90	518
WEBINAR II				
Individual	Tribal law enforcement invitation and registration	258	5	22
Individual	CTLEA Webinar participation (estimate based on 1 participant or designee per known agency)	258	90	387
WEBINAR III				
Individual	Tribal court invitation and registration	574	5	48
Individual	CTCS Webinar participation (estimate based on 1 participant or designee per tribe, excluding 229 Alaska Native tribes which lack criminal jurisdiction)	345	90	518
	TOTAL BURDEN HOURS			1,541

Cost to the Federal Government

The estimated financial cost to the federal government for the 2024 CTLEA and 2024 CTCS webinars for the total participant burden hours (1,541) is approximately \$49,345 (1,541 hours x \$32), based on the hourly salary of \$32 for a GS-12 Statistician.

Protection of Human Subjects

The protocol described in this OMB Generic Clearance was submitted for review by the NORC institutional review board and it was determined that the activities as described by the protocol do not meet the definition of human subjects' research (**Attachment H**). The research was certified as not meeting the definition of human subjects' research as described under Department of Justice regulations at 28 CFR 46.

Contact Information

Questions regarding any aspect of this project can be directed to:

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Attachments

Attachment A: CTLEA one-page project summary
Attachment B: CTCS one-page project summary
Attachment C: Webinar invitation letter tribal leader
Attachment D BJS Director's Letter to Tribes announcing the project
Attachment E: Webinar invitation tribal law enforcement
Attachment F: Webinar invitation tribal courts
Attachment G: Listening session prompts and polling scripts
Attachment H: Human Subjects Determination and Certification