

SUPPORTING STATEMENT

Census of Tribal Court Systems (CTCS)

A. JUSTIFICATION

Overview

The Bureau of Justice Statistics (BJS) requests a three-year clearance to conduct the 2026 Census of Tribal Court Systems (CTCS). The National Survey of Tribal Court Systems (NSTCS) (OMB No. 1121-0350, expired 12/31/2017) was first collected in 2014 and is part of the larger BJS portfolio of tribal justice data collections that comprise the Tribal Justice Statistics Program (TJSP).¹ Three tribal justice agency-specific data collections make up the core of the BJS TJSP: the Survey of Jails in Indian Country (SJIC), the Census of Tribal Law Enforcement Agencies (CTLEA), and the CTCS.

The Tribal Law and Order Act (TLOA) of 2010 (P.L. 111–211, 124 Stat. 2258 § 251(b) requires 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.² The collection of CTCS data directly support BJS efforts to fulfill this mandate.

This will be the second iteration of the CTCS (see **Attachment A** for current instrument), allowing BJS to replicate a series of questions from the initial collection to analyze changes over time. For this iteration of the collection, it is intended to collect both 2025 and 2026 data to better understand workloads within tribal courts. Topics address current tribal court priorities, challenges, and issues impacting operations of tribal courts 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 (ICWA) matters, and various aspects of courthouse workgroups—prosecutors, public defense and victim service programs.

The CTCS collects aggregated administrative data from all tribal court systems in Indian country, which consists of approximately 378 judicial forum agencies, including tribally operated courts, Code of Federal Regulation (CFR) courts operated by the Bureau of Indian Affairs (BIA) and Alaska Native Villages. The courts will provide data for the CTCS through a web-based survey for items including, but not limited to—

- types of court system
- the number of specialty courts
- total operating budgets
- sources of funding
- the number of full-time and part-time personnel
- the number of full-time employees, by position type, race/ethnicity and sex

¹ The National Survey of Tribal Court System will not be called the Census of Tribal Court Systems since it will be a complete enumeration of tribal courts.

² See Public Law 111–211, 124 Stat. 2258 § 251(b)

- the number of criminal, civil and juvenile delinquency cases filed
- the total number of Indian Child Welfare Act (ICWA) cases files or transferred
- the number and types of criminal, civil and environmental cases filed

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

BJS is directed to collect and analyze statistical information concerning the operation of the criminal justice system at the federal, state, and local levels under 34 U.S.C. § 10132, United States Code, Section 10132). This includes tribal court systems whose responsibilities include adjudication of crimes occurring on tribal lands.

In addition, the Tribal Law and Order Act of 2010 (TLOA), which had significant implications for the administration and operational capacity of tribal justice systems, directed BJS to improve its tribal statistical data collection at the federal, state, local, and tribal levels³. TLOA requires BJS to (1) establish and implement a tribal data collection system and (2) support tribal participation in national records and information systems (P.L. 111-211, 124 Stat. 2258, § 251(b)). The act further requires BJS to consult with American Indian tribes to establish and implement a data collection system and to report to Congress within one year of enactment, and annually thereafter, the data collected and analyzed in accordance with the act.

In addition to the TLOA mandate that BJS establish and implement a tribal crime data collection system, other significant legislation and court rulings have highlighted the continued need to develop and improve the data collected from tribal justice systems. Specifically, the 2020 U.S. Supreme Court decision in the *McGirt v. Oklahoma* case brought major changes to the administration of justice for the five largest tribal nations in Oklahoma. As a result of the McGirt decision, under the Major Crimes Act serious felonies committed on the reservations by American Indians against any victim and non-Indians against American Indians would be treated as federal crimes rather than state crimes, significantly increasing the caseloads and vacated state convictions would fill the federal courts.

In response to challenges to *McGirt v. Oklahoma*, the Supreme Court later ruled in *Oklahoma v. Castro-Huerta* in 2022, that federal and state governments held joint jurisdiction to prosecute non-Indians for crimes on native lands. Despite the complexity involving criminal jurisdiction on tribal lands prompting the Supreme Court intervention in a short span of time, limited data is available about the magnitude of cases handled in tribal justice agencies annually and number of matters involving non-Indian offenders committing crimes against American Indians on tribal lands.

The Violence Against Women Act (VAWA) of 2013 and the 2022 reauthorization expanded tribal jurisdiction to exercise their sovereign power to investigate, prosecute, convict, and sentence both Indians and non-Indians who assault Indian spouses or dating partners or violate a

³ Tribal Law and Order Act, Pub.L. 111-211, H.R. 725, 124 Stat. 2258, enacted July 29, 2010.

protection order in Indian Country, as well as created a pilot project for some Alaska Native Villages (ANVs) to begin exercising special tribal criminal jurisdiction. Although VAWA expanded tribal jurisdiction over certain crimes and offender types, limited reliable statistical data is available on the number of criminal cases or civil matters involving both Native Americans and non-Indians for many offenses occurring on tribal lands.

The Not Invisible Act of 2019 established a commission and series of recommendations, including changes to tracking and reporting data on missing and murdered Indigenous peoples (MMIP), hiring and retention of law enforcement staff, and increased information sharing between tribes as it relates to violent crimes. Limited data on MMIP is available from Native tribes and the extent these events occur annually.

The CTCS is the only national tribal-specific data collection that provides data on the operations, staffing, and characteristics of tribally operated court systems. It will continue to provide information on how tribal court systems provide services on tribal lands, and how that differs in PL-280 and non-PL-280 states. The CTCS will provide data about the pressing questions pertaining to tribal court systems, which will help tribes and their state and federal partners to improve safety in Indian country.

BJS is the only federal statistical agency with a mandate to develop a tribal crime and justice data collection system. The updated CTCS data are needed by BJS and the public to understand and continue to measure the administration and operations of tribal court systems.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Recurring uses of the CTCS by BJS

The 2014 National Survey of Tribal Court Systems (NSTCS, OMB Control Number 1121-0350), precursor to the CTCS, collected data from the tribal courts and 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 (ICWA) matters, and various aspects of courthouse workgroups—prosecutors, public defense and victim service programs. The NSTCS information was published in *Tribal Courts in the United States, 2014* (NCJ 301214, BJS, July 2021). The survey was administered to 234 tribal court systems and achieved a response rate of 84%.

BJS will publish an update to the *Tribal Court Systems in the United States* based on the new data collected. The planned report will present trend data on the number of tribal courts, jurisdictional authority of courts across Indian country, funding amounts and sources, staffing positions and levels, criminal and civil case filings, and juveniles justice matters. The 2026 CTCS will also enable BJS to report on the number of courts that encountered challenges providing criminal and civil representation to defendants. In addition, the CTCS will gather information on the juvenile justice in Indian country, including items on juvenile justice statutes

or codes, the handling of juvenile delinquency, status offenses, and children in need of assistance on tribal lands.

BJS will also include 2026 CTCS data in its annual technical report: [Tribal Crime Data Collection Activities](#). This report describes activities by BJS related to collecting and improving the quantity and quality of data on crime and justice in Indian country as required by TLOA. Topics covered include the most recent statistical findings on American Indians and Alaska Native (AIAN) persons and tribal justice agencies.

External Uses of the CTCS

Other entities rely on the NSTCS data for research, planning, and programmatic purposes. The NSTCS data and statistical reports are used by the U.S. Department of Justice, U.S. Congress, tribal leader and law enforcement administrators, students, academic researchers, and advocates. Examples of users and uses of these data include the following:

U.S. Congress - Members of Congress have a strong interest in criminal justice issues in Indian country and have used CTCS data to understand the staffing, duties, functions, work activity and emerging issues impacting of tribal court systems in Indian country. The TLOA requires BJS to submit to Congress a [report](#) describing the data collected and analyzed on crime and justice in Indian country.

Government Accountability Office (GAO) - A 2018 GAO study, GAO-18-591 *Native American Youth Involvement in Justice Systems and Information on Grants to Help Address Juvenile Delinquency* (requested by Senators John Hoeven, R-N.D. and John Barrasso, R-WY), addressed risk factors and unique challenges that Native American youth face with contact with justice systems.⁴ This study highlights the critical need for comprehensive tribal court statistics and the importance of the NSTCS in collecting data “on the extent to which tribal courts processed Native American youth or adjudicated them delinquent or found them guilty.”

The CTCS will continue to collect data to help respond to these types of data needs by members of Congress. For example, the survey includes questions about tribal juvenile justice, the number and types of tribal courts, the jurisdiction exercised by courts, number of types of court employees, and the number of criminal and civil cases filed in 2025 and 2026. The 2014 NSTCS reported that about 234 tribal courts served federally recognized tribes in the lower 48 states, with approximately 80% serving 9,999 or fewer residents. Additionally, most (77%) tribal courts in the lower 48 states exercised both civil and criminal jurisdiction, about 72% of tribal courts exercised criminal jurisdiction over both tribal members and other persons, most (99%) tribal court systems reported having a formal court, 23% operated an indigenous court, and about 10% participated in an intertribal court. The 2026 CTCS will collect this vital information to continue to determine trends over time, as well as provide the first aggregate estimates of the total number of criminal and civil cases filed in tribal court systems annually in Indian country.

The Office of the Inspector General, at the Department of Justice (DOJ) - A 2017 report,

⁴ <https://www.gao.gov/assets/gao-18-591.pdf>

Review of the Department’s Tribal Law Enforcement Efforts Pursuant to the Tribal Law and Order Act of 2010, reported that crime data in Indian country is often unreliable and incomplete, limiting the Department’s ability to fully engage in performance-based management of tribal programs and funding for its effort to implement its TLOA responsibilities.⁵ Many changes in Indian country occur on an annual basis, including changes in leadership, tribal codes and statute development, the number and nature of tribal justice agencies and programs. For example, the total number of tribally operated law enforcement agencies in the United States increased 32%, from 178 in 2008 to 234 in 2018.⁶ The changes in the number and work of tribal law and enforcement agencies directly impacts the tribal courts in Indian country. The CTCS has been updated to align with the data collected from tribal law enforcement agencies to better understand the filings, handling and processing cases through the tribal court systems.

Office of Tribal Justice (OTJ), DOJ—OTJ is the primary point of contact for DOJ with federally recognized Native American tribes and advises the Department on legal and policy matters pertaining to Native Americans. OTJ uses data from the NSTCS and other BJS annual reports as a resource.

Office of Justice Programs— Since 2021, OJP has awarded approximately 1,034 awards for about \$624.8 million to tribal justice systems.⁷ Agencies within OJP, such as the Office of Juvenile Justice and Delinquency and Prevention (OJJDP), Bureau of Justice Assistance (BJA), Office for Victims of Crime (OVC), and Office on Violence Against Women (OVW) use NSTCS data to understand and measure the growth of tribal justice systems and their program needs, as well as inform numerous annual funding programs, including:

- Tribal justice system infrastructure program,
- Tribal justice systems support program,
- Tribal juvenile justice systems program
- Reentry services for tribal members program,
- Tribal legal services for victims’ program,
- Tribal treatment and wellness courts
- Tribal youth services and delinquency prevention program
- Tribal jurisdiction program
- Tribal Special Domestic Violence Criminal Jurisdiction (SDVCJ)
- VAWA implementation and criminal justice response program
- Enhanced jurisdiction implementation program.

Bureau of Indian Affairs - The Bureau of Indian Affairs (BIA) Office of Justice Services (OJS), of the Department of Interior, in their February 2024 report, *Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2021*, notes that TLOA was designed to provide greater freedom for Indian

⁵ Department of Justice, Office of the Inspector General. “Review of the Department’s Tribal Law Enforcement Efforts Pursuant to the Tribal Law and Order Act of 2010.” December 2017. see <https://oig.justice.gov/reports/2017/e1801.pdf>

⁶ See: Tribal Law Enforcement in the United States, 2018, <https://bjs.ojp.gov/document/tleus18.pdf>

⁷ See OJP Awards Database, search “tribal,”

<https://charts.ojp.usdoj.gov/t/public/views/OJPAwardsDashboardallFiscalYears/AwardsByNOFO?%3Aembed=y&%3Aiid=2&%3AisGuestRedirectFromVizportal=y>

Tribes and Tribal nations to design and operate their own justice systems, making Federal departments and agencies more accountable for serving Native people and lands.⁸

OJS is responsible for allocating appropriations for 230 plus tribal courts, as well as other BIA agency offices that deliver direct services or by the Tribes through self-determination contracts or self-governance compacts, pursuant to the Indian Self-Determination and Assistance Act, P.L. 93-638. About 208 Tribal entities are located in non-P.L. 280 States (35%), and 372 Tribes are in P.L. 280 States (65%), primarily in Alaska and California. The CTCS will collect data, particularly important to the BIA-OJS, on the jurisdictional landscape among tribal court systems, including the various types of courts, budgets, sources of external funding, number and types of staffing positions funded by tribal courts, legal representation available to members, juvenile justice and ICWA matters handled, and courthouse work activities and caseloads.

The Tribal Law and Order Commission in its report, *A Roadmap For Making Native America Safer Report To The President And Congress Of The United States*, found that the systems for generating law enforcement and crime data were undeveloped or nonexistent in some cases for Indian country.⁹ TLOA also authorized expanded jurisdictional and sentencing authority for tribal justice systems, clarified jurisdiction in Public Law 280 states, and encouraged more intergovernmental collaboration between tribal, federal, state, and local governments. The CTCS collects data on subject and personal level jurisdiction exercised on tribal lands, the Public Law 280 status or arrangement of the jurisdiction in which the agencies operate, availability of tribal codes, access to jury trials, and implementation of enhanced sentencing authority on tribal lands.

National American Indian Court Judges Association - National American Indian Court Judges Association (NAICJA) has utilized NSTCS data on a recurring basis, to inform the development of training for tribal court personnel and included in presentations at their 2023, 2024 and 2025 national conferences.¹⁰

Researchers, Academics and Other Uses of the CTCS

CTCS data will support tribal nations, tribal court systems, and tribal crime data needs of other federal officials, state officials in conjunction with tribal court administrators, public researchers, academics and tribal justice advocacy groups. The CTCS data are used for many purposes ranging from general summary statistics and national averages describing staffing, training, programs or services, and workload at tribal court systems.

BJS made the 2014 NSTCS data and documentation available to the public through the National Archive of Criminal Justice Data (NACJD) in March 2022. The NSTCS data is available to researchers seeking to gain understanding of the functions, responsibilities, and operation of tribal court systems. The 2014 NSTCS data and documentation have been downloaded 134 times by 56 unique users in the past 3 years.¹¹

The CTCS (see **Attachment A**) will include five sections -- Tribal Justice Systems and

⁸ See: https://www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf

⁹ See: <https://www.aisc.ucla.edu/iloc/report/>

¹⁰ See: <https://www.naicja.org/>

¹¹ See: <https://pcms.icpsr.umich.edu/pcms/metrics/studies/38409/utilization>

Jurisdiction; Court Budget and Employment; Legal Representation in Tribal Court; Juvenile Justice, Child Welfare and Dependency Matters; and Case Filings, Sentencing, and Other Topics. Revisions to the CTCS survey aimed to reduce the length of the 2014 NSTCS baseline survey while preserving important time series data and including items about topics identified as relevant and important to stakeholders.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also, describe any consideration of using information technology to reduce burden.

The 2014 NSTCS was administered as a paper survey that was mailed and completed via telephone follow-up. For the 2026 CTCS, extensive development work went into determining whether a web-based survey would be feasible for Indian country respondents. Based on the success of the web transition of the SJIC, as well as feedback from various tribal expert panels, BJS intends to direct respondents to a web-based survey (**Attachment B**) through mailed and emailed instructions. The web-based platform offers a user-friendly interface, wide variety of question types, and includes skip logic, piping, error prompts, and cross-variable validations to reduce burden on the respondent while maintaining high reliability and validity of the data.

A fillable PDF will be made available for agencies as requested and respondents may also request to complete the survey by phone with a trained NORC staff member. Data received through alternate means will be manually entered by the project team.

NORC will also develop a corresponding case management system (CMS), which will track cases. Data from the web-survey platform will be synchronized to this CMS system at a regular periodicity and will be used to track the status of the survey for each tribal court and as the basis for follow-up communications with respondents. The CMS will also allow NORC to access court contact information for the purposes of data quality follow-up contacts, and for statistical analysis. The tracking utility allows for data quality review soon after questionnaires are submitted and removes the court from future non-response contact attempts.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item A.2 above.

After reviewing other BJS surveys, federal data collections, and relevant academic literature, BJS finds that the CTCS provides information that is not duplicated by other federal or non-federal data collections. While BJS administers other administrative collections on Federal and State courts systems, these collections do not include tribal courts. Additionally, the CTCS captures the unique jurisdictional challenges faced by tribal courts with respect to PL 280 status, tribal law and codes, and enforcement of tribal codes and adjudications involving non-tribal populations. Rather than duplicating efforts, the CTCS collection complements the Census of Tribal Law Enforcement Agencies (OMB clearance forthcoming) and together provide a more

complete picture of how tribal justice systems serve tribal populations. The CTCS is the only national ongoing collection of its kind and will result in comparable data across years.

5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.

To minimize burden across all respondents, BJS updated the CTCS after extensive consultation, outreach and engagement with tribes, tribal leaders, tribal law enforcement agencies, and federal partners to measure current issues and challenges facing tribal court systems, such as juvenile justice, violent crimes, drug distribution and crimes involving non-Indians on tribal lands. Additionally, BJS and NORC conducted a cognitive test of the CTCS instrument and study protocol in 2025 to refine the instruments and minimize response burden. As a result of the cognitive testing, items with high nonresponse rates were flagged and some items were updated or deleted.

Additionally, BJS will implement several procedures to minimize burden, as noted below—

- a) The web version of the CTCS survey, which BJS expects most or all respondents to use, will ease reporting by including programmed logic to (i) automatically direct the respondent to the appropriate questions, (ii) automatically direct the respondent to only applicable items; and (iii) ensure consistency across responses, thus reducing the need for follow-up.
- b) An intelligent login program will be utilized for data collection, which stores information and responses, thus allowing for multi-session completion of the census instrument (i.e., it will allow respondents to stop and restart pending confirmation of information from others in the agency).
- c) The project staff will be available during regular business hours (8:00 AM to 5:00 PM Central Time) to assist respondents via phone or email. A dedicated CTCS inquiry email address will be provided to respondents with all written materials and emails. The phone number and email address for the CTCS' principal investigator will be provided to respondents to ensure timely communications.
- d) A question guide (**Attachment F**) was developed to help tribal courts gather data regarding case counts and other items that may need to be retrieved from case management systems. The guide will be provided both in print and available to download from the project website for reference or completion by hand. Respondents can then complete the form in hard copy and use it to respond to questions within the web survey.

6. Describe the consequence to federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

TLOA mandates BJS develop and implement a tribal data collection system and the CTCS is an important regular collection to meet this legal mandate. 2014 NSTCS was the first iteration of the proposed collection and will serve as a benchmark for trend comparisons. Aside from the CTCS, no other comprehensive data collection on tribal court systems in Indian country has been conducted since the *2002 Census of Tribal Justice Agencies* (CTJA).

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- requiring respondents to submit more than an original and two copies of any document;
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- requiring the use of statistical data classification that has not been reviewed and approved by OMB;
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

There are no special circumstances in conducting this information collection. The CTCS collection is consistent with the guidelines in 5 CFR 1320.5.

8. If applicable, provide a copy and identify the date and page number of publication in the *Federal Register* of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection-of-information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

The CTCS is consistent with the guidelines in 5 CFR 1320.8(d). BJS published a 60-Day Notice in the Federal Register on June 29, 2026 (FR Vol 91, Number 2026-13056 pages 39121-39122, see **Attachment C**). The comment period ended on August 28, 2026. In response to the 60-day notice, BJS received one comment letter from the Navajo Nation (Attachment D).

In summary, the Navajo Nation noted that: 1) as of FY 2021, tribal courts across the United States have an unmet need of \$1.5 billion, which means fewer personnel, including judges, and this understaffing results in a large backlog of cases; and 2) many tribal courts have aging or inadequate structures and limited funding is available for the operations and maintenance or replacement of judicial facilities.

The Navajo Nation encourages BJS to continue to regularly collect and disseminate CTCS data and recommends including questions on the status and condition of tribal court facilities. The Navajo Nation also encourages BJS to disseminate reports based on the CTCS to all tribal leaders when approved for public release.

Due to the variation in the types of facilities used for tribal courts in the lower 48 states and Alaska, it is unfeasible to include such questions in the current CTCS without proper testing and will be considered for a future iteration.

The CTCS is a periodic collection occurring at 4-to-5-year intervals. BJS has prioritized a web-based information gathering, which will improve the processing of the data compared with the paper version in the past. BJS proposes to release multiple reports based on the CTCS and will make them publicly available to the public and tribal leaders.

BJS published the 30-day notice for public commentary in the Federal Register on September 2, 2026 (FR Vol 91, Number 56480, pages 56480-56481, see **Attachment E**)

Tribal Crime and Justice Consultation and Outreach

BJS conducted extensive outreach and engagement activities to update the next iterations of CTCS and its companion survey, the CTLEA, during 2024, under BJS generic clearance (OMB Control Number 1121-0339). Pursuant to TLOA 2010, BJS consulted with tribal nations and hosted a series of consultation and listening sessions for tribal leaders, tribal law enforcement agencies, tribal courts, and federal partner agencies.¹² BJS sent letters to all 575 federally recognized tribes that announced the new CTCS and CTLEA projects; invited tribal participation in the development process; and provided registration information for the consultation and listening sessions.

From February to April 2024, BJS hosted four listening sessions for tribal leaders, tribal law enforcement, court administrators, and federal agencies working in or with Indian country. Each session focused on key topic areas, which were provided to all registrants in advance in the 2024 Tribal Justice Data Listening Webinar Informational Document. In addition, BJS funded and hosted a separate in-person expert panel meeting in Albuquerque, New Mexico, for invited

¹² See consultation summary: <https://bjs.ojp.gov/document/tcdca24.pdf>

representatives from tribal governments, tribal law enforcement agencies and tribal court systems.

AIAN tribal leaders from across the United States attended a listening session on February 7, 2024. About 85 participants attended the Tribal Leaders Listening Session. Participants represented 31 tribes and 7 Alaska Native villages from 18 different states.

American Indian tribal and Alaska Native village law enforcement leaders attended a listening session on February 12, 2024. About 56 participants attended the Tribal Law Enforcement Listening Session. Participants represented 27 tribes and 2 Alaska Native villages from 14 U.S. states.

Federal partners from across the federal government attended a listening session on April 18, 2024. About 28 participants attended the listening session. There were 16 participants from federal agencies, including the Department of Homeland Security, U.S. Secret Service; Department of the Interior, Bureau of Indian Affairs; and Department of Justice, including the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), BJS, COPS, National Institute of Justice (NIJ), OJJDP, OTJ, and the U.S. Marshals Service (USMS).

A total of 258 unique entities participated in the four tribal crime and justice data listening sessions, including a session for tribal courts, and one in-person expert panel meeting, representing 120 different tribal nations or Alaskan villages, 27 tribal law enforcement agencies, 46 tribal courts, and 10 federal agencies across 33 states and the District of Columbia.

Additional outreach was conducted through the cognitive testing process, also approved under BJS's generic clearance (OMB Control Number 1121-0339). Fifteen tribal courts were asked to complete the web-based survey instrument to ensure that the instrument is capturing responses in a way that are easily understood by responding agencies, as well as test the validity and reliability of both questions retained from the earlier iteration of the NSTCS and questions that were new to this round of data collection.

The cognitive test allowed BJS to 1) establish an accurate estimate of respondent time burden to complete the CTCS survey instrument; 2) test the reliability of the questions to avoid response error; 3) test the content validity of the questions and verify completeness of the response categories; 4) verify the instruction materials and supporting job aids are clear and easy to follow; 5) verify that courts and agencies are able to access and use the web survey instruments with minimal difficulty; and 6) document the respondent feedback from the cognitive interview process.

9. Explain any decision to provide any payments or gifts to respondents, other than remuneration of contractors or grantees.

Participation in the survey is voluntary and no gifts or incentives will be given to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

BJS, its employees, and its data collection agents will use the data it collects only for statistical or research purposes, consistent with 34 U.S.C. § 10134. BJS is required to protect information identifiable to a private person from unauthorized disclosure and may not publicly release data in a way that could reasonably identify a specific private person, consistent with the confidentiality requirements in 34 U.S.C. § 10231 and 28 CFR Part 22.

The data collected through the CTCS represent characteristics of publicly administered or funded tribal courts and are, therefore, in the public domain. No individually identifiable information is collected. Information obtained consists of aggregated counts of court cases and other data, which severely limits the potential for the information to be used to identify an individual. BJS will not archive or otherwise release the names, telephone numbers, or email addresses of the persons responsible for completing the questionnaires.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

There are no questions of a sensitive nature included in the 2026 CTCS questionnaire.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. General, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form.**
- **Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 14.**

BJS anticipates collecting data from approximately 378 tribal court systems. The time to

complete the survey invitation materials (5 min) (**Attachment G, H, I, and J**) and included Question Guide (**Attachment F**) (20 min) is estimated to be 25 minutes combined. The total amount of time estimated to complete the CTCS instrument is 40 minutes. BJS anticipates around 10% of the sample will require data quality follow-up (15 minutes). Overall, the total burden hours are 419 (**table 1**).

Table 1: Estimated Annualized Respondent Cost and Hour Burden

Activity	Number of Respondents	Frequency	Total Annual Responses	Time Per Survey (Mins)	Total Annual Burden (Hours)	Hourly Rate*	Monetized Value of Respondent Time
CTCS Invitation Materials	378	1	378	5	31.5	\$25.15	\$792.23
CTCS Question Guide	378	1	378	20	126	\$25.15	\$3,168.90
CTCS Web Survey	378	1	378	40	252	\$25.15	\$6,337.80
Data Quality Follow-Up	38	1	38	15	9.5	\$25.15	\$238.93
Total	378				419		\$10,537.86

* Source: Mean hourly wage on May 2025 for Court, Municipal and License Clerks (43-4031) from [Occupational Employment and Wage Statistics](#).

13. Provide an estimate of the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- The cost estimate should be split into two components: (a) a total capital and start up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of service component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.
- If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or

contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

- Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

There are no anticipated costs to respondents beyond the employee time expended in gathering information and completing the instrument. Respondents are not being asked to purchase anything or maintain any services as part of this data collection.

14. Provide estimates of the annualized cost to the Federal Government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 into a single table.

The estimated cost to the Federal Government for collection, processing, and dissemination of the CTCS is \$509,093, with 2026 cost at \$253,714 and 2027 costs at \$255,379. These costs include \$199,379 paid through a cooperative agreement with a contractor and an estimated \$309,714 in BJS personnel costs for calendar year 2026 and 2027. The data collection agent via cooperative agreement maintains and updates the respondent contact information database, conducts the survey through web-based collection, conducts follow-up, collects the data, and prepares a dataset for BJS use. BJS staff analyze the data, prepare statistical tables, and write reports based on these data. See **table 2** for a detailed breakdown of costs to the Federal government.

Table 2. Estimated costs for CTCS

BJS costs			January 1 – December 31, 2026	January 1 – December 31, 2027
	Staff salaries			
		GS-14 Statistician (35%)	\$57,100	\$58,000
		GS-15 Supervisory Statistician (3%)	\$5,100	\$5,200
		GS-14 Chief Editor (5%)	\$7,200	\$7,300
		GS-13 Editor (5%)	\$6,100	\$6,200
		Other Editorial Staff (3%)	\$3,600	\$3,700
		GS-14 Information Technology Specialist (5%)	\$7,200	\$7,300

	Senior BJS management (GS-15 & Directors) (3%)	\$5,800	\$5,900
	Subtotal: Salaries	\$92,100	\$93,500
	Fringe benefits (30% of salaries)	\$27,630	\$28,700
	Subtotal: Salary & fringe	\$153,714	\$121,500
	Other administrative costs of salary & fringe (15%)	\$17,960	\$18,200
	Subtotal: BJS costs	\$153,714	\$156,000
Data collection agent cost			
	Data collection agent costs (salaries, fringe benefits, data collection, data processing, program management and overhead)	\$100,000	\$99,379
	Total costs	\$253,714	\$255,379

Note: The estimated cost to BJS for 2027 represents a 1.5 % in GS salary increase from the 2026 estimate.

15. Explain the reasons for any program changes or adjustments.

The estimated burden has changed from 120 minutes for the 2014 NSTCS, to 65 minutes (1.08 hours) for the respondents to take 20 minutes to complete the Question Guide (**Attachment C**) in advance and 40 minutes to complete the web survey (**Attachment A**). Based on the outreach, engagement, and consultation feedback, BJS revised the CTCS survey instrument from its earlier administration. Questions have been rewritten to ensure clear and concise language, reliability and validity across tribes and justice agencies, and formatted for a web instrument to allow for skip pattern and logic check programming. New items and updates to existing items were edited based on recent legislation and criminal justice policies, as well as the stakeholder engagement activities described. In addition, tribal nations encouraged incorporating consistency of measures in the CTCS to establish an understanding of the types and number of cases filed in the tribal courts.

Web-based data collection

BJS has prioritized expanding the use of online data collections to improve data quality, as well as reduce costs, errors, and the volumes of paper involved hardcopy mailings, and therefore migrated the collection of the CTCS to a web survey instrument. As a part of the Tribal Justice Panel topics covered, participants were asked for feedback on protocol considerations and outreach as it related to the web survey. Through this feedback process, it was determined that, in addition to the programmed web survey, the project team will make a printable document (CTCS Question Guide) available to tribal courts to assist in the pre-collection of some key data points. The web survey and the question guide were tested as a part of the cognitive test conducted in the summer of 2025, with modifications made to the web survey based on feedback provided during the cognitive test.

16. For collections of information whose results will be published, outline plans for tabulations, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

CTCS Dissemination

BJS plans to publish statistical tables in a report, similar to those found in [Tribal Courts in the United States, 2014 – Statistical Tables](#). This report will provide readers with general information on the characteristics of tribal court systems, including characteristics of tribal courts by types of courts, jurisdiction, and PL 280 status. Additionally, the report will include aggregate data on court functions, staffing and staff demographics, court functions, and cases filed with respect to various criminal and civil matters. Other aggregate data will be included based on analysis of responses provided by tribal courts.

BJS also plans to release a second report using the CTCS data, which will also be combined with the CTLEA data focused on matters related to juveniles on tribal lands, *Juvenile Justice in Indian Country, 2025-2026 (JJIC)*. From the CTLEA data, the JJIC report will include information on juvenile justice statutes and codes, school resources officers and youth outreach education, the total number of juvenile arrests and number of juveniles reported missing. From the CTCS, the report will include information about teens or youth courts, juvenile criminal and mental health courts, child welfare staffing, types of juvenile codes and statutes, types of juveniles cases, criminal and civil legal services for minors, alternative dispositions, probation and parole functions for minors, the total number of delinquency and status offense cases, reentry programs, and American Indian Child Welfare matters.

The CTCS public use dataset and documentation will be submitted to the National Archive of Criminal Justice Data (NACJD). These public use data files will be fully available to the public at no charge once the BJS statistical tables report is published and the data are processed by NACJD. Access to this data permits analysts to identify the specific responses of individual facilities and to conduct their own statistical analyses.

BJS also releases the annual congressional report on [Tribal Crime Data Collection Activities](#). This report describes activities by BJS to collect and improve the quantity and quality of data on crime and justice in Indian country as required by TLOA of 2010. Topics covered include data collection programs and activities, tribal participation in national records and information systems, and the most recent CTCS statistical findings on tribal courts.

Table 3. Project timeline

Task	Start	End
Data collection	January 2027	April 2027
Notification of impending due dates, nonresponse follow-up, thank you letters	January 2027	April 2027

Verification, final callbacks, and data cleaning	January 2027	April 2027
Deliver datafiles	May 2027	June 2027
Analysis	June 2027	August 2027
Report writing	August 2027	September 2027
BJS report release/data file and documentation published	December 2027	January 2028

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

BJS is not requesting an exemption. The OMB Control Number and the expiration date will be published on instructions provided to all respondents.

18. Explain each exception to the certification statement.

This collection of information does not include any exceptions to the certificate statement.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS.

This collection contains statistical data.

List of Attachments:

Attachment A: Census of Tribal Court Systems (CTCS) Survey
Attachment B: CTCS Survey Screen
Attachment C: 60-day Federal Register Notice
Attachment D: 60-day Public Comments
Attachment E: 30-day Federal Register Notice
Attachment F: CTCS Question Guide
Attachment G: CTCS Agency Invitation Letter from BJS Director
Attachment H: CTCS Sample Question
Attachment I: CTCS Project Summary
Attachment J: NAICJA Letter of Support
Attachment K: Invitation Email
Attachment L: Invitation Postcard
Attachment M: Telephone Confirmation Script
Attachment N: Reminder Email
Attachment O: Telephone Prompting Script
Attachment P: Last Chance Letter
Attachment Q: Last Chance Email
Attachment R: Thank You Letter
Attachment S: Data Quality Email
Attachment T: Telephone Data Quality Script