

Part B. Collection of Information Employing Statistical Methods

1. Respondent Universe and Selection

Defining the tribal court systems universe

The 2026 Census of Tribal Court Systems (CTCS) will collect data from all tribally operated court systems that:

- provide tribal court services on tribal lands,
- are funded by a tribe, and
- are responsible for adjudicating criminal or civil law

Authority for tribal courts are granted by federally recognized tribes through tribal constitutions, statutes, or codes or by 638 compacts through the Bureau of Indian Affairs (BIA).¹ These tribal courts include any indigenous or traditional courts, general jurisdiction courts, appellate courts, and BIA Code of Federal Regulation (CFR) courts operating on behalf of tribal governments in Indian country. The initial question in the CTCS questionnaire asks for the specific types of courts operated by the tribal court system completing the CTCS survey.

The CTCS will build upon the universe that was compiled for the 2014 NSTCS data collection. Several steps were taken to update the universe: 1) comparing the list of tribes to BIA's annual list of 575 federally recognized tribes for 2026², 2) contacting tribal leadership to review and update existing information on tribal courts, 3) scanning the Tribal Law and Policy Institute (TLPI) Tribal Court Clearinghouse listing of tribal courts³, and 4) checking online sources or, in the event that the information could not be verified through other sources, contacting the tribe to ensure the most current and correct information is available.

As a result of the updating process outlined above, 378 tribal courts were identified as meeting the CTCS eligibility criteria. The 378 tribal-government-operated agencies provide services to a subset of the 575 federally recognized tribes. Additional edits to court contact information will be incorporated into the universe list as new information is made publicly available by the tribes via website updates, by BIA, or through other public sources.

All eligible tribal courts, either operated by a tribe, Alaska Native Village or by the BIA on behalf of a tribe will be surveyed. A breakdown of the 2026 CTCS universe list can be found in **table 1**.

Table 1. 2026 CTCS universe of tribal courts

¹ Title 25 U.S. Code § 2802 - Indian law enforcement responsibilities

² Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs. Federal Register 88: 10 (January 8, 2024): <https://www.federalregister.gov/d/2024-00109>

³ See TLPI Tribal Court Clearinghouse: <https://www.tribal-institute.org/lists/justice.htm>

Type of agency	Count	Percent of universe
CTCS Universe	378	100%
Tribal Courts	271	72%
C.F.R Courts	5	1%
Tribal Courts in Alaska Native Villages	102	27%

2. Procedures for Collecting Information

The full data collection effort will include all **378** eligible tribal courts identified in the tribal court universe list. The collection period for the CTCS is 16 weeks, anticipated to begin in January 2027, pending OMB approval.

Based on the experience with cognitive testing, full data collection will be divided into four phases: *outreach and data collection; nonresponse follow-up; validation; and weighting for unit non-response and item imputation phases.*

Phase 1: Outreach and data collection for the Tribal Law Enforcement survey

- *Step 1. Outreach.* Prior to data collection, NORC and partner organization NAICJA will conduct outreach to tribal leadership and the tribal court community to inform them of the upcoming CTCS data collection. This outreach will include speaking about the project at related conferences, distributing an informational flyer at related conferences, and speaking to NAICJA membership and related listservs. NAICJA has attended or plans to participate in the following events to share information about the importance of the CTCS data collection:
 - National Congress of American Indians (NCAI) Winter Executive Council Session – February 2026
 - Wiring the Rez Conference – February 2026
 - Reservation Economic Summit Conference– March 2026
 - Breaking Cycles of Violence Conference – April 2026
 - Federal Bar Association Indian Law Conference – April 2026
 - Sovereignty Symposium – June 2026
 - NCAI Mid-Year Executive Council Session – June 2026
 - NAICJA 57th Annual national Tribal Judicial and Court Personnel Conference – October 2026
- *Step 2. Data collection start.* Following these outreach activities, data collection will commence. During week 1 of data collection, NORC will mail an invitation packet to all 378 tribal-government-operated courts via first class USPS mail. The questionnaire packet will contain the CTCS agency invitation letter from the BJS director addressed to the tribal court (**Attachment G**); sample questions (**Attachment H**), CTCS one page flyer (**Attachment I**), and letter of support from NAICJA

(Attachment J). Courts will be invited to complete the web-programmed version of the 2026 CTCS survey (**Attachment B**) and use the Question Guide (**Attachment F**) to facilitate completion of the web survey.

- *Step 2. Email invitation and follow up.* One week after the mail invitation is sent, a separate email invitation (**Attachment K**) will be sent to the best email address for each head judge or point of contact for the tribal court or to a general email address.
- *Step 3. Mail an invitation postcard.* A separate postcard mailing (**Attachment L**) will be sent to all non-responding agencies approximately two weeks after the invitation mailing is sent. The postcard mailing will include instructions to complete the online survey, as well as contact information for the project hotline and email address for assistance and a short FAQ section.
- *Step 4. Phone outreach and confirm receipt of invitation.* Starting at week four, phone outreach will be made by NORC and NAICJA staff to prompt participation in the survey. This outreach will also be used to confirm best contact information and update any contact information as necessary. On request, an additional mailed or emailed invitation packet will be sent to the tribal courts. A copy of the confirmation script is included as **Attachment M**.

Phase 2. Nonresponse follow-up strategy for the Tribal Court survey

- *Step 1. Reminder email prompts.* Five and seven weeks after the start of data collection, NORC will send reminder emails to the best-known email address for the chief judge or court administrator (**Attachment N**) to non-responding courts. These emails will encourage non-responders to complete the web survey. Additional reminder emails may be sent out, if necessary, similar to email in **Attachment N**.
- *Step 2. Telephone prompt.* Ten weeks after the reminder postcard is mailed, NORC and IACP will conduct an additional round of telephone outreach to all non-responding agencies. This round of telephone calls will serve to determine progress on the survey, obtain an anticipated timeline for submission and encourage response. Telephone interviews will also be offered to those who want to complete the survey over the telephone. A copy of the prompting script is included as **Attachment O**.
- *Step 3. Last chance letter.* Twelve weeks after the initial survey mailing, NORC will send one final mailed outreach to non-responding courts. This will include a last chance letter, question guide, and letter of support from NAICJA. Depending on project needs, this may either be sent out via USPS first class mail or FedEx, or some combination of the two depending on available addresses and successful previous contacts with the agency. A copy of the letter is attached as **Attachment P**.
- *Step 4. Last chance email prompts.* Concurrent to the last chance letter, a last chance email will be sent to the best-known address of both chief judge or court administrators and the tribal courts. This will underscore the importance of

participation and will reflect any prior contact already made with the court (see **Attachment Q**).

- *Step 5. NAICJA Nonresponse follow-up.* Fourteen weeks after follow up until the close of data collection, partner organizations that participated in the development of the CTCS surveys will be asked to assist in the nonresponse follow-up by phone and email as necessary via personalized outreach. Scripts will be similar to those provided in **Attachment O and Q**.

Upon completion of the CTCS survey, the responding agencies will be sent a Thank You Letter (**Attachment R**).

Phase 3. Post data collection verification, validation and editing

Throughout the data collection, NORC staff will review frequencies on a weekly basis to assess item missingness, if values are within range, and if inconsistencies can be resolved. If it is determined that updated data are needed due to errors, inconsistencies, or missing data, the data collection agent will contact the data provider for clarification as close as possible to the date of completion of the web survey (**Attachments S and T**).

Phase 4: Weighting for unit non-response and item imputation

Weighting for Unit Non-Response

Although it is anticipated that the steps mentioned above will result in participation from a large number of courts, similar to the last iteration of the NSTCS data collection, there will likely be a percentage that do not complete the survey in a timely manner. While the CTCS is intended to be a census, the final list of responding agencies is likely to be a nonrandom sample of the study population due to differential response rate across subpopulations. NORC will develop an analysis weight for each respondent through a two-step weighting adjustment procedure. The sample base weight is 1 for all sample members because it is a census.

The second step is a nonresponse weight adjustment step. Through this adjustment, the weight carried by non-respondents is transferred to respondents within each adjustment cell so each responding court will represent a portion of the non-responding court and the sum of the weights will be the total number of eligible courts (N=378). To determine which variables should be used to create the adjustment cells, a non-response bias analysis to compare response rates among different subgroups will be carried out. Variables analyzed will include the source of inclusion, court type, PL-280 Status, Native American Land type, court location (state or region), American Community Survey (ACS) Reservation Population Estimate (as a proxy for agency population size), and other ACS variables such as the percentage of the population that is American Indian. Response rates by land size (in square mile) categories will also be explored. Variables where subgroups have the largest differential response rates will be used to define the adjustment cells for the nonresponse weight adjustment. The details of these analyses will be included in a non-response bias analysis report. To avoid introducing unnecessary weight variation, each adjustment cell must contain at least 20 cases.

Imputation for Item Non-Response

While high item response is anticipated, agencies may leave items blank due to lack of access to the information or the fact that the data are not being recorded by the court's records management system. To address this, it is planned to use a hot-deck method for imputation to ensure a complete data file as this method protects relationships between variables that are observed in the non-missing data. This single-imputation method does result in an under-representation in variance. If there is a high non-response rate for certain items (20 percent or more), multiple imputation could be considered for some variables.

Multiple imputation involves model building for multiple related variables in which all are imputed together or sequentially. For each variable to be imputed with the hot-deck method, the file will be sorted by variables that have correlations with the variable to be imputed. These "sort" variables will be chosen based on models in which the variable to be imputed is the dependent variable and the independent variables (sort variable candidates) will be other questionnaire items or variables known for all eligible agencies considered for weighting (see above). Once the file is sorted, the hot-deck imputation will use the nearest neighbor as the donor for the missing value. Each variable to be imputed will be sorted according to its own set of sort variables.

3. Methods to Maximize Response Rates

The most recent NSTCS had a response rate of 84%, but the CTCS aims to achieve a minimum census response rate of 90%⁴ using the methods outlined below.

BJS and NORC have and will continue to undertake various steps to help facilitate high response rates for the CTCS survey. In addition to the various survey methodology strategies discussed in the data collection section above, best practices learned from the cognitive test and for collecting data from tribal courts will be incorporated. BJS, NORC, and partner agencies have taken a proactive approach to engage with key stakeholders, including tribal leadership, federal government agencies, and tribal courts, as well as coordinate with BIA and tribal organizations and tribal justice system experts from around the country to design the CTCS survey instruments. The development of the CTCS survey with the input and support of tribal court system practitioners working in Indian country continues to be essential to the development of the culturally centered survey and served to inform tribal nations about the project early on. In July, 2025, an introduction letter and one-page flyer summarizing project activities of both the CTCS and the companion CTLEA survey were sent to tribal leaders of all federally recognized tribes informing them of the CTCS project, the types of data to be collected, the reasons for the collection, and requesting their support, in addition to encouraging participation in the tribal court verification process described above.

Tribal and Federal Webinars. As described in Part A, through the series of hosted webinars, BJS sought tribal leader, tribal court administrators and law enforcement officers, justice practitioners working in Indian Country, and other interested parties' input on data needs, data

⁴ https://georgewbush-whitehouse.archives.gov/omb/inforeg/statpolicy/standards_stat_surveys.pdf

gaps, and successes and challenges faced by tribal justice systems. It is our hope that these efforts will result in full engagement and participation in the survey.

Indian country law enforcement expert panel. Also outlined in Part A, to ensure that the CTCS survey captures key measures on the administration and operation of tribal courts with clarity and an informed perspective from tribal court system professionals, BJS hosted a two-day expert panel meeting in Albuquerque, New Mexico in March, 2024 comprised of representatives from various tribal courts that work directly in Indian country. In total, there were 39 attendees of the Tribal Justice Panel including subject matter experts in tribal court systems, law enforcement, and representing tribes exercising various types of courts.

There were also 10 federal attendees at the meeting representing BJS, FBI, OJJDP, OTJ, and BIA. These federal staff attended the meeting to learn more about the needs of tribal court systems and law enforcement agencies and to offer their input on the CTCS and CTLEA surveys. Some federal attendees (FBI and OJJDP) also gave presentations describing other federally sponsored tribal data collections that they help facilitate. These presentations aimed to inform panel members of the various tribal data collections already taking place to avoid duplicating data collection efforts and identify gaps in current data collections.

In addition to presentations and open discussion, panel members spent a significant portion of the panel reviewing and suggesting changes to the prior round's survey instrument and provided content and survey item suggestions. The panel members conducted a detailed review of the survey content and questions section by section. In addition, the panelists also discussed eligibility criteria, dissemination of survey reports, and engagement with tribal leadership and respect of tribal sovereignty.

Indian Country tribal court marketing strategy. As described earlier, prior to the start of data collection, NAICJA will lead outreach to tribal nations, tribal courts and various Indian country focused membership organizations to inform them of the upcoming CTCS collection. One of their key methods of outreach and engagement is through attendance and presentations at relevant conferences. In addition to conference attendance and hosting webinars, NAICJA and NORC will also share a CTCS project summary (**Attachment I**) with various Native American media, professional associations and organizations asking that they distribute materials about the project. The NORC website ([Census of Tribal Court Systems | NORC at the University of Chicago](#)) will describe the utility and benefits of CTCS results in understanding the challenges of crime and justice in Indian country and it will also indicate the types of information that will be collected, including budgets, staffing and work activities. NAICJA will host a website on its domain highlighting details of the study and the importance of participating, similar to content already hosted on the NORC domain.⁵

Letter of support. A letter of support (**Attachment J**) from NAICJA will accompany the initial survey mailing. Subsequent updates about the value of the survey will continue to be communicated to NAICJA's membership listserv, which has many tribal justice system professionals as members. NAICJA will also issue project updates via social media outlets, conferences, and other communications to their membership.

⁵ See; <https://www.naicja.org/2026-census-of-tribal-court-systems-ctcs/>

Response modes. The data collection plan includes a multi-mode collection strategy so that surveys may either be completed online or via phone. A hardcopy option is not planned as the skip logic of the survey is more sophisticated this round compared to the previous round.

Additionally, NORC will monitor a project specific email address and toll-free number, both of which allows respondents to contact NORC with questions on the survey or issues they encounter.

4. Test of Procedures or Methods

Frame Verification

As outlined in section B1, frame verification was conducted through several steps: 1) comparing the list of tribes to BIA’s annual list of 575 federally recognized tribes, 2) contacting tribal leadership to review and update existing information on tribal courts, 3) scanning NAICJA’s membership database, and lastly, 4) checking online sources, including the Alaska Legal Services Corporation online directory or, in the event that the information could not be verified through other sources, contacting the tribe to ensure the most current and correct information is available.

As a result of the updating process outlined above, 378 total tribal courts (including BIA CFR courts) were identified as meeting the CTCS eligibility criteria. Ongoing updates to court contact information will be incorporated into the universe list as new information is made publicly available by the tribes via website updates, by BIA, or through other public sources.

Survey development

BJS built on the existing 2014 NSTCS survey and developed new survey questions to capture topics most critical to tribes, tribal justice experts, tribal court systems, and federal agencies. A thorough literature review, a scan of new and updated legislation since the last iteration of the CTCS collection, and numerous outreach and engagement events seeking input from tribal representatives were conducted to inform modifications to the survey instrument.

CTCS cognitive testing. On behalf of BJS, NORC at the University of Chicago (NORC) conducted a cognitive test using the revised CTCS survey to confirm item comprehension and assess the respondent burden. The cognitive testing was conducted under the BJS generic clearance (OMB Control Number 1121-0339). A total of 20 tribal courts were selected and invited to participate in cognitive testing. To ensure representation, the following criteria were considered: size of resident population, geographic location, and PL-280 status. The cognitive test period lasted from August 8th through October 24th, 2025 and a total of 13 tribal courts completed the cognitive interview. A breakout of the participating agencies is shown in **table 2**.

Table 2. Cognitive testing tribal courts by selection criteria

ID Number	PL-280 Status	Size	Geography
20001030	Not PL-280	Small	South
20001050	Not PL-280	Small	West
20001010	Not PL-280	Small	East
20001100	PL-280	Small	Alaska
20001070	PL-280	Small	West
20001080	PL-280	Small	West
20001090	PL-280	Small	North
20001130	Not PL-280	Medium	West
20001180	PL-280	Medium	North
20001200	PL-280	Medium	West
20001170	PL-280	Medium	North
20001230	Not PL-280	Large	South
20001270	Not PL-280	Mega	West

The CTCS cognitive test was divided into three phases: *outreach and appointment scheduling*; *nonresponse follow-up*; and *data collection and cognitive interview feedback*.

Outreach and appointment scheduling: For those courts identified as potential participations, NORC research staff sent an invitation email and followed up by phone. Upon successful contact with the agency, they were provided with background information on the collection and need for participation in the cognitive interview, and if agreeable, an appointment was set with the best contact.

Immediately after the interview was scheduled, a calendar item was sent to the contact along with the Question Guide for pre-review, time permitting. One business day prior to the scheduled interview, a reminder email was sent to the contact, along with a link to the web survey, access PIN, and brief set of instructions for joining the video conference.

Data collection and interview feedback: During the scheduled video conference for the cognitive interview, participants were given the opportunity to ask questions about the project and the interview process was explained. They were asked if they had completed the Question Guide prior to the interview, with the response noted as this impacted the responses provided in the cognitive interview. Finally, participants shared their computer screen via the video conference software so cognitive interviewers could follow along and note any challenges with navigation or providing responses in the survey. During the interview, both general probing questions and specific questions were asked at certain points in the questionnaire. These responses, along with any items raised organically by the participants were noted.

The time to complete the cognitive interview for all tribal courts on average was 60 minutes and a median of 45 minutes. Across agencies, the majority reported no difficulties in providing statistical information regarding staffing counts for court staff, case counts, or questions about operations, though some subsets of these requests were more difficult to provide for some courts.

Tribal courts reported that the planning and thought put into the survey was evident, with questions being clear, response categories exhaustive, and appropriate terminology was used to capture the concepts being measured. Further, they noted that the collection was timely, and the subjects included were relevant and important to tribal courts, tribal leadership, and the communities they serve. Many courts agreed that the perceived response burden felt appropriate based on the questions asked and topics that were included.

Based on feedback from the cognitive test, wording and question revisions were made to the survey to address updated terminology as well as revisions to questions that were added to the survey since the last fielding. This included expanding some of the response options, bolding or emphasizing certain words or phrases in the question text and adding definitions or examples. Item non-response was low across all questions, though some 'no' responses in the grid question formats were left blank by some courts. This is likely due to the format of the cognitive test instrument, which did not require responses to any questions. This will be updated in the main fielding of the survey, with soft prompt reminders to provide responses where appropriate. Some questions were eliminated based on reported burden or difficulty of answering the question by agencies, which is why the estimated burden for the 2026 CTCS is 40 minutes.

Contacts for Statistical Aspects and Data Collection

The Bureau of Justice Statistics within the U. S. Department of Justice is the sponsoring agency for the CTCS. NORC is the data collection agent. NORC's efforts are supported through a subcontract to NAICJA and TLPI.

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