

2002 CENSUS OF TRIBAL JUSTICE AGENCIES IN AMERICAN INDIAN AND ALASKA NATIVE TRIBAL JURISDICTIONS

Survey sent to:

Please correct any error in name, mailing address and zip code in the space below.

INFORMATION SUPPLIED BY					
Name			Title/Position		
Name of Tribe/Village/Organization					
TELEPHONE	Area Code	Number	FAX	Area Code	Number
E-MAIL ADDRESS					
Please return your completed survey by October 15, 2002 in the enclosed stamped envelope to Policy Studies Inc.; 999 18th Street, Suite 1000; Denver, Colorado 80202					

INTRODUCTION

The Bureau of Justice Statistics (BJS), U.S. Department of Justice, through Falmouth Institute and Policy Studies Inc., is conducting a census of tribal justice agencies in American Indian and Alaska Native tribal jurisdictions. This is the first comprehensive effort to identify which justice agencies are operating in tribal jurisdictions, what services those agencies provide, and what information they collect and keep. Once our analysis is completed, we will send a copy of the survey findings to all respondents. The findings also will be posted on the BJS website (<http://www.ojp.usdoj.gov/bjs>) and BJS will compile and make available a national directory of justice agencies in tribal jurisdictions throughout the country.

In some instances, we have mailed this survey to more than one person in a tribe or village because we did not know who was best able to answer the questions. If you are not the appropriate person to respond to this survey, please give it to someone who might be more appropriate.

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

- Mail: send your completed survey in the enclosed stamped envelope to Policy Studies Inc.; 999 18th Street, Suite 1000; Denver, Colorado 80202.
- Fax: submit your completed survey by fax to 303-295-0244.
- Telephone: Call toll free 1-800-992-4489 extension 105 and leave a message. Someone from our team will call you to complete the survey over the telephone.
- Internet: If you have access to the Internet, you may complete the survey on line at www.justicesurvey.com.

Please be assured that your tribe's responses will not be identified with you individually. We ask for your name and contact information above only so that we can follow up with you on specific questions if necessary.

If you have questions or need assistance, you may call toll free and leave a message at 1-800-992-4489 extension 105 or send an e-mail message to Tracy Griffith at tgriffith@policy-studies.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.

OMB No 1121-0252 Approval Expires 12/31/2004

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 require of the Paperwork Reduction Act of 1980, as amended (44 USC 3507). The burden of this data collection is estimated to average 20 minutes 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- LAW ENFORCEMENT AGENCIES
IN TRIBAL JURISDICTIONS**

A1. Does your tribe have a law enforcement agency employing sworn tribal personnel with general arrest powers?

1. Yes
2. No → SKIP TO QUESTION A7

A2. Does your tribal law enforcement agency operate through a PL 93-638 or self-governance contract?

1. Yes
2. No

A3. With which of the following Does your tribal law enforcement agency have cross deputization agreements?

(Mark (X) all the apply)

1. BIA law enforcement
2. Neighboring tribes/villages
3. Neighboring non-tribal authorities
(e.g. state, county, local)
4. Federal law enforcement other than BIA
(e.g. FBI, Customs, US Marshals Service)
5. None of the above

A4. Are your tribal law enforcement officers recognized by the state and have state peace officer authority?

1. Yes
2. No

A5. Do your tribal law enforcement officers have arrest authority over tribal members off the reservation?

1. Yes
2. No

A6. Do your tribal law enforcement officers have arrest authority over non-Indians on the reservation?

1. Yes
2. No

A7. Which of the following provide law enforcement services for your tribe?

(Mark (X) all that apply)

1. BIA
2. State
3. Local
4. Tribal law enforcement
5. Village Public Safety Officers (VPSOs)
6. Village Police Officers (VPOs)
7. Traditional law enforcement
8. Game/Fisheries Warden
9. Housing Authority
10. Casino Security
11. Other (describe below)

A8. Who performs the following law enforcement functions in your tribe?

(Mark (X) all that apply)

<u>Uniform Officers</u>	<u>Criminal Investigation</u>	<u>Detention</u>
1. <input type="checkbox"/> BIA	1. <input type="checkbox"/> BIA	1. <input type="checkbox"/> BIA
2. <input type="checkbox"/> FBI	2. <input type="checkbox"/> FBI	2. <input type="checkbox"/> FBI
3. <input type="checkbox"/> Tribal	3. <input type="checkbox"/> Tribal	3. <input type="checkbox"/> Tribal
4. <input type="checkbox"/> State	4. <input type="checkbox"/> State	4. <input type="checkbox"/> State
5. <input type="checkbox"/> County	5. <input type="checkbox"/> County	5. <input type="checkbox"/> County
6. <input type="checkbox"/> Traditional	6. <input type="checkbox"/> Traditional	6. <input type="checkbox"/> Traditional
7. <input type="checkbox"/> Other	7. <input type="checkbox"/> Other	7. <input type="checkbox"/> Other

A9. For juvenile offenses committed on your tribal land, to which justice authorities may cases be referred?

(Mark (X) all that apply)

1. Tribal justice authorities
2. County justice authorities
3. State justice authorities
4. Federal justice authorities

A10. For which types of land are tribal law enforcement services provided?

(Mark (X) all that apply)

1. Reservation land
2. Tribal Communities
3. Alaska Native Villages
4. Trust Land
5. Other (describe below)

A11. Is the land base contiguous?

1. Yes
2. No

A12. How many CRIMINAL cases during the last calendar year were referred to the U.S. Attorney's office?

_____ Mark (X) if number is an estimate

A13. Who refers criminal cases to the U.S. Attorney's Office?

(Mark (X) all that apply)

1. Tribal law enforcement
2. BIA law enforcement
3. FBI
4. Other (describe below)

A14. Does your tribe have access to the National Crime Information Center (NCIC)?

1. Yes
2. No

A15. To which of the following does your tribe submit its criminal history records?

(Mark (X) all that apply)

1. State repository
2. FBI
3. None of the above

A16. Does your tribe submit information to the National Sex Offender Registry (NSOR)

1. Yes
2. No

A17. Does your tribe record the number and types of crime incidents occurring in your tribal jurisdiction?

3. Yes
4. No →SKIP TO SECTION B

A18. What method do you use to record crime incidents in your tribal jurisdiction?

(Mark (X) only one)

1. Incidents are recorded manually
2. Incidents are recorded in computer databases
3. Both (1) and (2)

A19. With which of the following does your tribe routinely share crime statistics?

(Mark (X) all that apply)

1. Other tribes
2. Alaska native corporations
3. Local government (county or municipal)
4. State government
5. FBI (Uniform Crime Reports, NIBRS, etc.)
6. BIA
7. None of the above

A20. With which of the following does your tribe share crime statistics electronically?

(Mark (X) all that apply)

1. Other tribes
2. Alaska native corporations
3. Local government (county or municipal)
4. State government
5. FBI (Uniform Crime Reports, NIBRS, etc.)
6. BIA
7. None of the above

**SECTION B – TRIBAL JUSTICE SYSTEM:
TRIBAL COURTS AND SERVICES**

B1. Does your tribe have a tribal justice system?
(As defined in the Indian Tribal Justice Support Act, “tribal justice system” means the entire judicial branch, and employees thereof, of an Indian tribe, including (but not limited to) traditional methods and forums for dispute resolution, lower courts, appellate courts (including intertribal appellate courts), alternative dispute resolution systems, and circuit rider systems, established by inherent authority whether or not they constitute a court of record).

1. Yes
2. No → SKIP TO SECTION C

B2. Which type of tribal court system operates in your tribal jurisdiction?

(Mark (X) all the apply)

1. Tribal courts
2. Appellate courts
3. Circuit rider systems
4. Traditional methods and /or forums for dispute resolution (e.g. peacemaking, circle sentencing)
5. Inter-tribal court system (Please list tribe(s) below)
6. Other (describe below)

B3. Which of the following types of cases are handled by your tribal justice system?

(Mark (X) all the apply)

1. Criminal misdemeanor cases
2. Traffic violations
3. Juvenile offenses (delinquency, status offenses)
4. Other juvenile (e.g. child welfare, adoption)
5. Family law cases (e.g. divorce, paternity)
6. Domestic violence protective orders
7. Civil matters
8. Probate Matters
9. Wildlife offenses (e.g. hunting, fishing)
10. Other cases (describe below)

B4. Please indicate the type and number of separate courts in your tribal justice system.

(Mark (X) all the apply)

B4. Type of Court

- | | |
|---|----------|
| 1. <input type="checkbox"/> General jurisdiction tribal court | 1. _____ |
| 2. <input type="checkbox"/> Juvenile court | 2. _____ |
| 3. <input type="checkbox"/> Family court | 3. _____ |
| 4. <input type="checkbox"/> Wildlife conservation court | 4. _____ |
| 5. <input type="checkbox"/> Appellate court | 5. _____ |
| 6. <input type="checkbox"/> Peacemaking/circle sentencing | 6. _____ |
| 7. <input type="checkbox"/> Other (describe below) | 7. _____ |

B5. Number of Courts

B6. Does your tribal justice system use any of the following intermediate sanctions in criminal sentencing?

Consider “intermediate sanctions” as sentences other than incarceration

(Mark (X) all that apply)

- | | B6. Adult | B7. Juvenile |
|--------------------------------------|-----------------------------|-----------------------------|
| 1. No intermediate sanctions | 1. <input type="checkbox"/> | 1. <input type="checkbox"/> |
| 2. Drug rehabilitation | 2. <input type="checkbox"/> | 2. <input type="checkbox"/> |
| 3. Alcohol rehabilitation | 3. <input type="checkbox"/> | 3. <input type="checkbox"/> |
| 4. Community service | 4. <input type="checkbox"/> | 4. <input type="checkbox"/> |
| 5. Counseling/ therapy | 5. <input type="checkbox"/> | 5. <input type="checkbox"/> |
| 6. Fine without incarceration | 6. <input type="checkbox"/> | 6. <input type="checkbox"/> |
| 7. Restitution without incarceration | 7. <input type="checkbox"/> | 7. <input type="checkbox"/> |
| 8. Victim-Offender reconciliation | 8. <input type="checkbox"/> | 8. <input type="checkbox"/> |
| 9. Other (describe below) | | |

B8. Does your tribal justice system maintain a probation function for _____?

B8. Adults

1. Yes
2. No

B9. Juveniles

1. Yes
2. No

B10. Which, if any, of the following non-residential programs does your tribe have available for placing juveniles who commit offenses on your tribal land?

(Mark (X) all the apply)

1. No non-residential programs
2. County, state or federal social service agencies
3. Tribal social service agencies
4. Tribal informal juvenile probation
5. Tribal formal juvenile probation
6. Other (describe below)

B11. Which, if any, of the following residential juvenile facilities (treatment, detention, correctional) are available for placing juveniles who commit offenses on your tribal land?

(Mark (X) all the apply)

1. Your tribe's residential juvenile facilities
2. Another tribe's residential juvenile facilities
3. County or other non-tribal residential juvenile facilities
4. None of the above

B12. Which types and how many of the following personnel work in your tribal justice system?

Type of justice system personnel	B12. Number Full Time	B13. Number Part-time
1. Trial court judges	1. _____	1. _____
2. Appellate court judges	2. _____	2. _____
3. Court administrators	3. _____	3. _____
4. Court interpreters	4. _____	4. _____
5. Prosecutors	5. _____	5. _____
6. Public defenders	6. _____	6. _____
7. Probation officers	7. _____	7. _____
8. Parole officers	8. _____	8. _____
9. Peacemakers	9. _____	9. _____
10. Bailiffs/Process servers	10. _____	10. _____
11. Staff Attorneys	11. _____	11. _____
12. Support and other staff	12. _____	12. _____
13. Total Staff	13. _____	13. _____

B14. How are tribal court judges selected?

(Mark (X) all the apply)

1. Elected
2. Appointed and /or hired
3. Other (describe below)

B15. What is the term of office for a tribal court judge?

(Mark (X) all the apply)

1. 1 year
2. 2 years
3. 3 years
4. 4 years
5. Other _____

B16. Are jury trials available in your tribal court system for civil trial cases?

1. Yes
2. No

B17. Does your tribe count the number of matters brought before your tribal justice system?

1. Yes
2. No → SKIP TO QUESTION B24

B18. How are criminal cases counted in your court system?

(Mark (X) all the apply)

1. Number of charges
2. Number of defendants
3. Number of incidents
4. Other (describe below)

B19. What method is used to count the number of matters in your tribal court or tribal justice forum(s)?

(Mark (X) all the apply)

1. Matters are counted manually
2. Matters are counted in computer databases
3. A combination of (1) and (2)
4. Other (describe below)

B20. How many CRIMINAL cases were filed in your tribal justice system during the last calendar year?

_____ Mark (X) if number is an estimate

B21. How many of these CRIMINAL cases filed during the last calendar year involved a non-Indian defendant?

_____ Mark (X) if number is an estimate

B22. How many CIVIL cases were filed in your tribal justice system during the last calendar year?

_____ Mark (X) if number is an estimate

B23. How many of these CIVIL cases filed during the last calendar year involved a non-Indian defendant?

_____ Mark (X) if number is an estimate

B24. Does your tribal justice system provide victim services?

1. Yes
2. No

B25. Are any justice agencies in your tribe electronically networked with other justice agencies in your tribe (e.g., law enforcement and prosecution)?

1. Yes
2. No

B26. Are any justice agencies in your tribe electronically networked with justice agencies outside your tribe (e.g., tribal law enforcement and county/municipal law enforcement)?

1. Yes
2. No

SECTION C – OTHER TRIBAL JUSTICE SERVICES

C1. Does your tribe have a BIA Court of Indian Offenses (CFR Court) available?

1. Yes
2. No

C2. Does your tribe rely on State courts for judicial services?

1. Yes
2. No

C3. Does your tribe rely on county/municipal social service agencies for court ordered treatment in juvenile and/or family cases?

1. Yes
2. No

C4. Does your tribe have a child support enforcement program?

1. Yes
2. No

C5. For which of the following child support processes does your tribe have family codes?

(Mark (X) all the apply)

1. Establishing paternity
2. Establishing a child support order
3. Enforcing a child support order
4. Modifying or adjusting a child support order
5. None of the above

THANK YOU FOR YOUR PARTICIPATION AND PROMPT REPLY TO THIS SURVEY

ADDITIONAL COMMENTS