

Tribal Courts Assistance Program



Fact Sheet

Winter 2005



BJA Bureau of Justice Assistance
Office of Justice Programs • U.S. Department of Justice

The Bureau of Justice Assistance (BJA), Office of Justice Programs, U.S. Department of Justice, supports law enforcement, courts, corrections, treatment, victim services, technology, and prevention initiatives that strengthen the nation's criminal justice system. BJA provides leadership, services, and funding to America's communities by emphasizing local control; building relationships in the field; developing collaborations and partnerships; promoting capacity building through planning; streamlining the administration of grants; increasing training and technical assistance; creating accountability of projects; encouraging innovation; and ultimately communicating the value of justice efforts to decision makers at every level.

BJA works with the Office of Tribal Justice, the Office of Justice Program's American Indian and Alaska Native Affairs Desk, and other federal agencies, in addition to many culturally appropriate organizations, to maintain focus with the field and to ensure the program's goals and objectives are achieved.

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Tribal Courts Assistance Program Overview

The Tribal Courts Assistance Program (TCAP) is one of the U.S. Department of Justice's primary initiatives for providing court-related support to tribal justice systems. Initially authorized under the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (25 U.S.C. § 3681), the program is sponsored through the

Department's Indian Country Law Enforcement Initiative, which provides federally recognized American Indian and Alaska Native communities with resources (funding, technical assistance, etc.) to develop, implement, enhance, and continue the operation of tribal judicial systems.

History

The Tribal Courts Assistance Program was first announced in FY 1999 through a competitive application process to assist federally recognized American Indian and Alaska Native communities. It yielded 76 grants that allowed small, medium and large tribes to plan single and intertribal court systems and to implement tribal court continuation and enhancement projects. This was followed by BJA administering competitive processes in FY 2001, FY 2003 and FY 2004 that resulted in more than 200 grants totaling upwards of 40 million dollars in awards to support tribal justice systems. Twenty-six additional project sites were funded in FY 2005.

Accomplishments

Throughout the Tribal Courts Assistance Program, BJA managers interact with the field and department officials, as well as regional and national tribal court advisory boards to assess pitfalls, recommend modifications, and recognize accomplishments. These actions foster new partnerships in support of the evolving needs of tribes as they develop culturally relevant justice systems. Key steps taken:

- Maximize the delivery of technical assistance and training services.
- Lower the number of grants to provider organizations to reduce overhead.
- Identify a single organization (Tribal Judicial Institute at the University of North Dakota School of Law) to coordinate technical assistance and training activities through subcontract agreements for select services in support of a wide array of national, regional, and local trainings.
- Establish a cadre of culturally competent consultants to respond to requests for services.

These collective efforts result in a high level of customer satisfaction. Tribes choose from a menu of services to meet their program development needs.

[Accomplishments, continued on page 2]

TCAP Working Group Partners

Bureau of Justice Assistance
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U.S. Department of Justice
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Washington, DC 20531
Ph: 202-616-6500
Fax: 202-305-1367
www.ojp.usdoj.gov/BJA

Tribal Judicial Institute
at the University of North Dakota School of Law
PO Box 9003
Grand Forks, ND 58202-9003
Ph: 701-777-6176
Fax: 701-777-2217
www.law.und.edu/npilc/judicial/index.php

Alaska Native Justice Center
121 West Fireweed Lane, Suite 240
Anchorage, AK 99503
Ph: 907-278-1122
Fax: 907-278-1121
www.ciri.com/about_ciri/anjc.htm

Criminal Justice Center for Innovation
Fox Valley Technical College
2320 Industrial Drive
Neenah, WI 54956
Ph: 888-370-1752
Fax: 920-996-7192
www.fvtc.edu/cjci

The National Tribal Judicial Center
at The National Judicial College
Judicial College Building/MS 358
Reno, NV 89557
Ph: 800-255-8343
Fax: 775-784-4234
www.judges.org

National Tribal Justice Resource Center
4410 Arapahoe Avenue, Suite 135
Boulder, CO 80303
Ph: 877-97NTJRC
Fax: 303-245-0785
www.tribalresourcecenter.org

National Institute for Trial Advocacy
363 Centennial Parkway, Suite 110
Louisville, CO 80027
Ph: 877-648-2632
Fax: 720-890-7069
www.nita.org

Native American Alliance Foundation
5820 4th Street NW
Albuquerque, NM 87107
Ph: 800-516-9340
Fax: 505-345-0176
www.native-alliance.org

The Tribal Law & Policy Institute
8235 Santa Monica Boulevard, Suite 211
West Hollywood, CA 90046
Ph: 323-650-5467
Fax: 323-650-8149
www.tribal-institute.org/lists/tlpi.htm

[Accomplishments, continued from page 1]

The menu of training courses available to support tribal court development includes:

- Essential Skills for Tribal Court Judges
- General Jurisdiction
- Alternate Forms of Justice
- Traditional Circle Peacemaking and Restorative Justice
- Court Management for Tribal Court Judges
- Tribal Court Clerks Certification Training
- Contemporary Issues for Tribal Justice Systems
- Practical Approaches to Family Law Cases in Tribal Court
- Judicial Strategies for Addressing Domestic Violence
- Indian Child Welfare Act
- Lay Advocacy Training
- Alternative Judicial Approaches to Address Substance Abuse
- Recognize and Respond to Gangs and Drugs in Indian Country

The Tribal Judicial Institute's consortium deliver more than 40 training events with 450 tribal justice personnel in attendance. Attendees included judges, clerks, probation officers, prosecutors, and public defenders representing 134 tribes, of which 91 tribes were BJA grant recipients. In addition to grantee tribes, other tribes are able to attend the training. Limited funding is available by applying for scholarships. The Institute and its partners conducted on-site needs assessments in Alaska and California, and further assisted tribes through regional orientation sessions to support planning, developing and enhancing tribal courts.

Providing meaningful technical assistance and training events to the tribes funded under this project can be challenging. Many of the funded tribes need assistance in planning for tribal justice systems, while others have had justice systems in place for centuries and have sought BJA funding to increase the technology in their courts or to expand the court. Other tribes have indicated a desire to restore traditional dispute resolution methods to enable their community members to participate in a justice system that is consistent with tribal values and traditions. To aid these tribes the Bureau of Justice Assistance, through its working group partners, has analyzed each tribal application funded and developed a series of technical assistance trainings designed to enable the tribal grantees to achieve their goals in a culturally-appropriate manner. The Tribal Judicial Institute and other providers also offer on-site technical assistance in the form of code drafting, court assessments, and input on court policies and procedures. In addition to these efforts, technical assistance helps build capacity for tribes to compete for and better manage BJA and other federal grants.

Application Process

BJA, as part of the U.S. Department of Justice's Indian Country Law Enforcement Initiative, administers grants to support the development, implementation, enhancement, and continuing operation of tribal judicial systems. Federally recognized tribes may apply in one of the three categories:

- **Category I:** Plan and implement an intertribal court system for small service populations. Consortia of tribal governments (at least two), each of

whom serves a population of less than 1,000 people, applied to plan, develop, and implement a tribal court system where none currently exists.

University of North Dakota
Tribal Judicial Institute



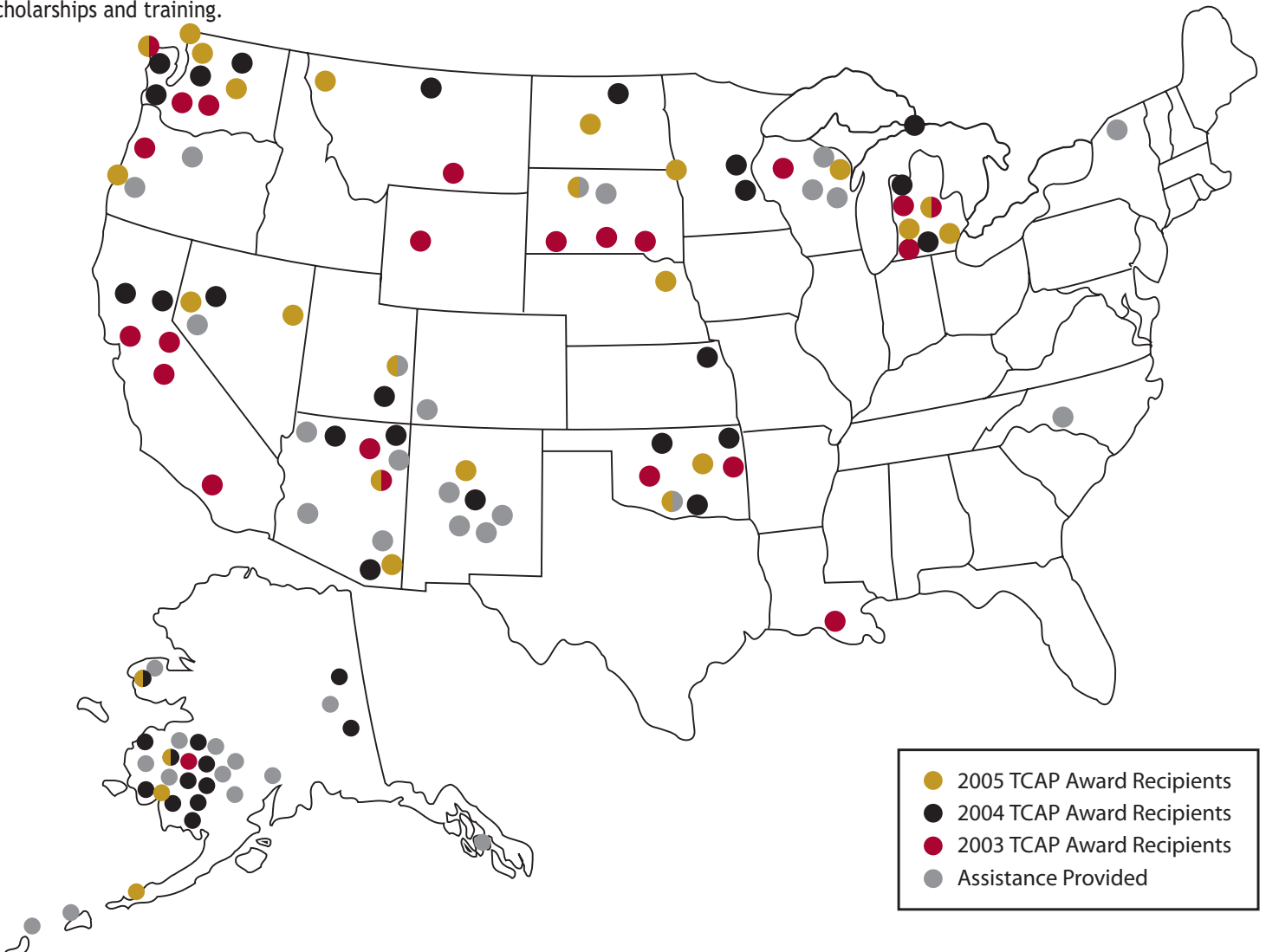
Technical assistance coordinator for the Tribal Courts Assistance Program

- **Category I** (continued): This category focuses on smaller tribes located contiguous to or near other tribal governments where it is economically and administratively feasible for the creation of an intertribal court. Grant funds facilitate the development and initial implementation of intertribal court systems designed for the needs of more than one tribe in the same geographic region.
- **Category II**: Plan and implement a single-tribe court system. Tribal governments, each with a service population equal to or exceeding 1,000 people, could apply for grant funds to facilitate the development and initial implementation of a tribal court system where none currently exists.
- **Category III**: Enhance and continue the operation of tribal courts. Tribal communities, regardless of the size of their service populations, can apply to enhance and/or continue the operation of existing tribal courts. Initiatives could include, but were not limited to: establish a core structure for a tribal court, improve case management, train court personnel, acquire additional equipment and/or software, enhance prosecution and indigent defense, support probation diversion and alternative sentencing programs, access services, focus on juvenile services and multidisciplinary protocols for child physical and sexual abuse, and for structuring intertribal or tribal appellate systems.

Beginning in FY 2001, the Tribal Courts Assistance Program received separate authorizing legislation pursuant to Public Law 106-559 (25 USC 3689(a)). Under the program, the terms tribal court, tribal court system, or tribal justice system mean the entire judicial branch, and employees thereof, of an Indian tribe. This includes, but is not limited to traditional methods for dispute resolution; trial courts; appellate courts [including intertribal appellate courts]; alternate dispute resolution systems; and circuit rider systems established by inherent tribunal authority, whether or not they constitute a court of record.

TCAP Participants

Please see page 4 for an entire list of FY 2005, 2004 & 2003 TCAP award recipients as well as non-BJA award recipients receiving scholarships and training.



Recent TCAP Participants

Please refer to the map located on page 3.

○ FY 2004 TCAP Award Recipients

Category One

Galena Village (aka Loudon Village), Alaska
Huron Potawatomi, Inc., Michigan
Native Village of Kongiganak, Alaska
Native Village of Scammon Bay, Alaska
Native Village of Tonunak, Alaska
Pilot Station Traditional Village, Alaska
Village of Alakanuk, Alaska
Village of Sleetmute, Alaska

Category Two

Shoonaq Village of Kodiak, Alaska

Category Three

Ak Chin Indian Community of Papago Indians of the Maricopa, Ak Chin Reservation, Arizona
Algaaciq Native Village, Alaska (St. Mary's)
Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana
Choctaw Nation of Oklahoma Citizen Potawatomi Nation, Oklahoma
Confederated Tribes of the Colville Reservation, Washington
Fort McDowell Mojave-Apache Indian Community of the Fort McDowell Indian Reservation, Arizona
Hopland Band of Pomo Indians of the Hopland Rancheria, California
Kaw Nation, Oklahoma
Little Traverse Bay Bands of Ottawa Indians of Michigan
Miami Tribe of Oklahoma
Minnesota Chippewa Tribe, Leech Lake Band
Native Village of Kipnuk, Alaska
Native Village of Kwigillingok, Alaska
Nisqually Indian Tribe of the Nisqually Reservation, Washington
Organized Village of Kake, Alaska
Prairie Island Indian Community of Minnesota
Pueblo of Laguna, New Mexico
Reno-Sparks Indian Colony, Nevada
Sac & Fox Nation of Missouri in Kansas and Nebraska
Sault Ste. Marie Tribe of Chippewa Indians of Michigan
Smith River Rancheria of California
Swinomish Indians of the Swinomish Reservation, Washington
Tohono O'odham Nation of Arizona
Tulalip Tribes of the Tulalip Reservation, Washington
Turtle Mountain Band of Chippewa Indians of North Dakota
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah

● FY 2003 TCAP Award Recipients

Category One

Blue Lake Rancheria of California
Fort Bidwell Indian Community of Paiute Indians of the Fort Bidwell Reservation, California

Native Village of Scammon Bay, Alaska
Redding Rancheria of California

Category Two

Apache Tribe of Oklahoma
Torres-Martinez Band of Cahuilla Mission Indians of California
United Keetoowah Band of Cherokee Indians of Oklahoma

Category Three

Akiachak Native Community, Alaska
Chitimacha Tribe of Louisiana
Crow Tribe of Montana
Grand Traverse Band of Ottawa & Chippewa Indians of Michigan
Hopi Tribe of Arizona
Klamath Indian Tribe of Oregon
La Courte Oreilles Band of Lake Superior Chippewa Indians of the Lac Courte Oreilles Reservation of Wisconsin
Makah Indian Tribe of the Makah Indian Reservation, Washington
Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota
Pokagon Band of Potawatomi Indians of Michigan
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Shoshone Tribe of the Wind River Reservation, Wyoming
Squaxin Island Tribe of the Squaxin Island Reservation, Washington
Yankton Sioux Tribe of South Dakota

● FY 2005 TCAP Award Recipients

Category One

Aleutian Pribilof Islands Association, Alaska

Category Two

Native Village of Kwigillingok, Alaska

Category Three

Iowa Tribe of Oklahoma, Oklahoma
Port Gamble S'Klallam Tribe, Washington
Southern Ute Indian Tribe, Colorado
Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians, Oregon
Pyramid Lake Paiute Tribe, Nevada
Makah Nation of Washington, Washington
Organized Village of Kwethluk (IRA), Alaska
Huron Potawatomi, Inc., Michigan
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
Nooksack Indian Tribe, Washington
Forest County Potawatomi Community, Wisconsin

● Additional Tribes Assisted Through IASA:

Central Council of the Tlingit & Haida Indian Tribes of Alaska
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona
Confederated Tribes of the Siletz Reservation, Oregon
Confederated Tribes of the Warm Springs Reservation, Oregon
Eastern Band of Cherokee Indians of North Carolina
Emmonak Village, Alaska
Fort Mojave Indian Tribe of Arizona
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
Knik Tribe, Alaska
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
Mentasta Lake Village, Alaska
Native Village of Akutan, Alaska
Native Village of Kasigluk, Alaska
Native Village of Kotzebue, Alaska
Native Village of Mekoryuk, Alaska
Native Village of Nightmute, Alaska
Oneida Tribe of Wisconsin
Orutsararmuit Native Village (aka Bethel), Alaska
Pueblo of Acoma, New Mexico
Pueblo of Pojoaque, New Mexico
Pueblo of Santa Clara, New Mexico
Pueblo of Santo Domingo, New Mexico
Saint George Islands - Aleut Community, Alaska
Samish Indian Tribe, San Carlos Apache Tribe of the San Carlos Reservation, Arizona
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
St. Regis Band of Mohawk Indians of New York
Stebbins Community Association, Alaska
Stockbridge-Munsee Community of Mohican Indians of Wisconsin
Village of Nunakaukuk, Alaska
Yomba Shoshone Tribe of the Yomba Reservation, Nevada

Cheyenne River Sioux Tribe, South Dakota
Hopi Tribe, Arizona
Village of Alakanuk, Alaska
Three Affiliated Tribes, North Dakota
Saginaw Chippewa Indian Tribe, Michigan
Omaha Tribe of Nebraska, Nebraska
Pueblo of Jemez, New Mexico
Te-Moak Tribe of Western Shoshone Indians, Nevada
Suquamish Tribe, Washington
Confederated Salish and Kootenai Tribes, Montana
Sisseton-Wahpeton Sioux Tribe, South Dakota
Eastern Band of Cherokee, North Carolina
Pascua Yaqui Tribe, Arizona