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Strengthening and Rebuilding Tribal Justice Systems:

A Participatory Outcomes Evaluation of the U.S. Department of Justice Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project

Executive Summary Final Report, September 2007

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The Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project: Outcomes Evaluation Findings

Executive Summary

The CIRCLE Project

In 1998, several agencies within the U.S. Department of Justice (USDOJ) conceived a partnership with the Northern Cheyenne Tribe, Oglala Sioux Tribe, and Pueblo of Zuni to strengthen those Native nations' justice systems. Through this initiative, called the Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project, USDOJ provided incentives and opportunities (in particular, streamlined and coordinated federal funding for justice functions) that helped the tribes consider how the individual components of their justice systems might better work together to address pressing crime and social problems. With this assistance, the tribes' challenge shifted away from how they might fund specific justice programs to how they might leverage an array of justice (and related program) resources to address nation-specific crime and public safety goals.

Briefly, the participating Native nations pursued these strategies:

- Project partners at the Pueblo of Zuni worked to break the intergenerational “cycle of violence” through a strategy focused on the reduction of alcohol-related crime, family violence, and youth violence. The tribe’s investment in a sophisticated management information system was a centerpiece of this effort.
- The Northern Cheyenne CIRCLE partners marshaled the resources provided through CIRCLE and their previous experience with comprehensive initiatives to continue strengthening the tribe’s justice system, especially as it affected youth. They invested in community policing, responses to family violence, and youth corrections services, including construction of a new juvenile detention center.
- Oglala Sioux’s efforts were focused on crime reduction through improved law enforcement, court, and corrections functions. Several advocacy goals were closely tied to these efforts, including better police accountability to citizens and more regularized treatment of offenders cited for public intoxication.

Evaluation of the CIRCLE Project occurred in two phases—a first, 18-month process phase and a second, 30-month outcomes phase, which is the focus of this report. Critically, this was a participatory evaluation. It engaged the tribal partners in a number of core evaluation design and data collection tasks, including identifying the focus, goals, and end products of the evaluation and the outcomes and indicators used to assess program and system performance.

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Overview of Findings

CIRCLE was a valuable evolutionary step in federal and tribal partnerships to address crime and related social problems in Indian Country. Its distinctive components included a focus on comprehensive criminal justice *system* change, a learning process to which the CIRCLE partners committed themselves in the participatory evaluation, and the federal partners' efforts to build an interagency problem-solving team. Evaluation research on the outcomes of the CIRCLE Project points to three findings:

- In the right circumstances, investments in comprehensive improvements to criminal justice system functioning can help Native nations address pressing crime problems; in other words, investments in reforming systems can reduce reservation crime.
- Where circumstances are not yet right for thoroughgoing systems investments to have an effect, there may still be practical, near-term opportunities for targeted change that improves system performance and addresses crime. If successful, these ideas may in turn build support for more wide-sweeping reform.
- Sustainability is a formidable challenge for any comprehensive change initiative, but without sustainability, short-term investments (whether comprehensive or narrow) can amount to little more than short-term jobs programs. Fortunately, this is a problem that can be solved; this research identifies a number of planning considerations and institutional design features that promote sustainability.

CIRCLE-Type Investments Can Work: The Experience at the Pueblo of Zuni

The products of the CIRCLE efforts at the Pueblo of Zuni suggest that, in the right circumstances, investments in strengthening criminal justice functioning can produce relatively near-term reductions in crime. As noted, the overall goal of the Pueblo of Zuni's CIRCLE effort was to break the intergenerational "cycle of violence" present in the community. This broad challenge broke down into the more specific challenges of reducing alcohol-related crime, reducing family violence (child abuse and neglect and spousal abuse), and reducing assault. At the time of CIRCLE's implementation, these were pressing and longstanding issues for the pueblo. Yet they were balanced by strengths, including a stable political environment and a robust set of traditional cultural beliefs and practices, characteristics that bolstered community capacity to respond to important social challenges.

The implementation of CIRCLE-related system-building and system-strengthening efforts was by no means complete by the beginning of the CIRCLE outcomes evaluation process (which began in 2001). However, a number of key components were in operation, including increases in police department size and training, new youth development programs, and a number of measures designed to respond to family violence. On the outcomes side, these CIRCLE-motivated system building and strengthening efforts were correlated with remarkable change:

- *Arrests for some important categories of alcohol-related crime dropped dramatically over the course of the evaluation period.* In particular, arrests for

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public drunkenness and driving while under the influence of alcohol dropped by approximately 40 percent from 2001 through 2004.

- *Community violence as measured by arrests for simple assault abated.* Arrests for simple assault dropped from 205 arrests in 2002 to only 94 arrests in 2004. The arrest rates for aggravated assault and for assaults by juveniles also dropped, though the trend is not as clear.

While encouraging, there are also balancing factors. For one, family violence remains a matter of concern. Arrests for endangerment and domestic violence between 2001 and 2004 did not decrease; the data show a “bump,” or an increase from 2001 to 2002 and a return to the 2001 level in 2003 and 2004. Additionally, the observed decreases in crime are not necessarily attributable to CIRCLE. To be more confident, more information is needed.

Nonetheless, two features of the Zuni CIRCLE Project appear to have played an important role in improving the capacity of the criminal justice system—as a system—to respond to crime. The first of these is Full Court, a management information system aimed primarily at tracking and managing a variety of activities that originate in the tribal court (pretrial preparation and court dispositions, for example) but extend far beyond the formal boundaries of the judicial branch. While Full Court presented a substantial implementation challenge, it has the distinctive characteristic of being a direct investment in system functioning.

A second important feature of the Zuni CIRCLE effort is the partners’ logic model, which captured how the individual components of the criminal justice system would work together to address priority outcomes. The planning process that led to this logic model was not a highly structured or formal process. Instead, local partners reported that they engaged in an ongoing and often intense conversation in a variety of settings, including planning meetings, *ad hoc* brainstorming sessions, and trainings. The process permitted reflection and inclusion while also demanding discipline around hard choices about where and why they would invest their limited resources. Local experience, local values and norms, and research on “what works” functioned as criteria for determining the programs and activities in which the pueblo’s CIRCLE team invested. The product of this iterative process was a set of mutually supportive activities with a logical strategic connection to a set of clearly defined and measurable crime reduction goals.

Participatory Research Can Identify a Viable Action Agenda: The Experience of the Oglala Sioux and Northern Cheyenne Tribes

The evidence of CIRCLE’s success is less direct for the Oglala Sioux and Northern Cheyenne nations than it was for the Pueblo of Zuni. For these Native nations, the CIRCLE Project—and particularly the evaluation component—generated concrete ideas about how best to proceed against short-term criminal justice concerns and, ultimately, how to create opportunities and political will for long-term system change. These ideas are methodological and programmatic, as they suggest new ways of collecting data and new ways of using resulting information to address pressing local crime problems.

The participatory research model was an important tool for uncovering and clarifying these outcomes. For one thing, the approach made it possible to find and understand data. At both

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Northern Cheyenne and Oglala Sioux, the evaluation research teams confronted the need to assess CIRCLE's impact in the absence of many conventional sources of criminal justice data. Guided by local team members' deep contextual knowledge and the external team members' cross-site experience, the evaluators became data detectives. Over the course of 18-24 months, they found and searched old arrest logs, court case files, departmental reports, and affiliated agencies' records and documents, and so on. They then knit these multiple and incomplete data strands together into a coherent whole.

The participatory method also gave voice to and provided a means for fulfilling the tribes' strong preference for usable knowledge. In interpretation, the data portraits of the sites' particular problems revealed promising near-term opportunities for addressing local crime and justice priorities, which if successful, might build support for continued system building or system reform. In other words, the collected data and information functioned as opportunity statements, rich with current strategic options for local actors and their federal partners.

For the Northern Cheyenne Tribe, the specific product was a problem statement illuminating a strategic opportunity to address youth crime. For the Oglala Sioux Tribe, the data search showed how the nation might target the creation of very basic functional connections between key components of its criminal justice system (for example, between arrests and prosecution). In both cases, the products of CIRCLE and the CIRCLE Project evaluation were nubs of opportunities to strengthen core criminal justice functions.

Considered together, the CIRCLE evaluation teams' experiences at these sites suggest guidelines for collecting and analyzing data in other tribal settings:

- Evaluators must be prepared to immerse themselves in the local context.
- The participation of community-member evaluators aids the immersion and search process.
- Informants from across the political spectrum can be helpful.
- The analysis of data and information should focus on improving institutional and system performance, not on individual culpability.
- Relevant "what works" literature can aid in the analysis and interpretation of tribal criminal justice data.
- Assessment and evaluation partnerships should be initiated at the beginning—and extend throughout—criminal justice system improvement projects.
- The information gathered should describe local crime problems and create a complementary map of system functioning, including operational considerations, resource considerations political considerations, and design considerations.

These guidelines are aimed at helping Native nations craft viable, local-evidence-based action agendas. The broad contours of this approach echo the best-practice advice for both community

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change initiatives and Indigenous community development. But the particular implications for USDOJ deserve elaboration, because in many respects, the proposed approach is a new paradigm for federal investments in improving criminal justice outcomes in Indian Country. The advice is for the department to first fund *real assessment* and then, based on the findings of that assessment (not on supposition, or evidence from elsewhere, or the latest criminal justice funding fad), to fund interventions that have the best change of making a difference in a given community—even if the change suggested is small. As the Zuni site shows, large interventions like CIRCLE can work, but often, the first step is simply to prepare the ground.

The challenging environment at Oglala Sioux motivates an additional observation. When a system is in chaos and distracting crises are the norm, an information portrait of system functioning can help managers and staff identify starting points for system improvement and remain focused on a long-term (re)building agenda. In other words, data can be an organizing force and a support of sustainability, the topic of a final set of findings from the CIRCLE evaluation.

Sustaining Criminal Justice System Change in Indian Country

The counterpoint to the above achievements is each site’s struggle to sustain momentum toward long-term goals. But these struggles are not unique to CIRCLE: everywhere, efforts to strengthen criminal justice systems, which are by necessity long-term, are vulnerable to changes in political priorities and pressure to “do something now” about crime. In Indian Country, it appears that a big part of the solution (and challenge) is to position criminal justice system development squarely within a Native nation’s efforts to become more independent and resourceful and, at the same time, to seek active and ongoing support from longstanding tribal norms and values—thus leveraging both the formal and informal resources of the community.

This argument is interwoven through the following guides to sustainability made evident in the CIRCLE Project:

Nation Building is Crucial to Sustained Criminal Justice System Strengthening Efforts

“Nation building” refers to the community development strategy of exercising practical sovereignty, backing up these assertions of self-rule with effective and legitimate governing institutions, and thinking strategically about the activities and actions that will move the nation toward important political, social, and economic goals. Research and experience—including criminal justice research and experience—suggest that the tribes making the most progress toward their goals are pursuing nation building. If criminal justice system strengthening efforts are similarly tied to nation building, the likelihood of their sustainability and success also increases. Why? One reason is that where nation building is occurring, system and institutional strengthening are already understood to be an integral part of the nation’s long-term agenda, and are less likely to derail when demands for more immediate change are made.

Sustainability Requires Connections between System Design and Community Norms

Even in small tribal communities, residents interact with criminal justice institutions thousands of times each year. Each of these interactions is both a test and an opportunity. On the one hand, every contact between a police officer and a citizen (or between a judge and an offender, a

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service provider and a client, and so on) is a test of the criminal justice system’s competency and community fit—and every test failed diminishes legitimacy of the system. On the other hand, the interactions are an opportunity for the officer, judge, or service provider to reinforce tribal norms, values, and priorities—to buttress cultural match and the legitimacy of the system. Successful encounters generate community support for the evolving criminal justice response to community needs—in effect, a “bank” of community support that can be drawn on in order to sustain long-term system-change efforts.

Sustainability Requires Expanding the Scope of Planning Beyond Formal Criminal Justice Institutions

Criminal justice system reform is an activity that requires the involvement of a broad range of community resources. Engaging stakeholders normally perceived to be outside the formal system of government (elders, community organizations, religious and spiritual groups, Boys and Girls Clubs) not only leverages the resources they provide in terms of supporting and enforcing social norms but also can provide the political and popular support necessary to sustain system change.

Sustainability Requires the Full Range of Stakeholders to Agree on an Extended Time Frame for Investment

The pace of system change is governed in large part by its complexity, which is in turn attributable to the multiple political and organizational spheres in which change activities take place. If stakeholders can agree to a reasonable timeline and a way to keep the intervention afloat for that long (perhaps through a combination of tribal, federal, and foundation resources) the chances of seeing change—change that in turn contributes to the “bank of support” for the effort—are improved. The goal is to avoid a premature withdrawal of assistance that erodes local support for long-term change initiatives and leads to unfounded (but potent) conclusions by policy makers that long-term change is not effective in addressing crime and social problems.

Sustainability Requires Clarity Regarding the Difference between System Change and Program Development

In comprehensive initiatives, there is a temptation is to substitute program development for system change, largely to escape the grueling requirements of institutional change (establishing and maintaining strong political mandates for change, confronting longstanding work rules and customs, and addressing tough questions regarding program effectiveness, and so on). Sustainability requires a firm understanding of these demands and the political and financial support required to see the change through. Again, linking the criminal justice system strengthening effort to the tribe’s nation-building goals (or if the commitment is still formative, helping the tribe define those goals) may be one way to gain such support.

Sustainability Requires Insuring Against Bias and Corruption

Political bias and corruption are typical challenges to the sustainability of criminal justice system change efforts in Indian Country. These challenges re-emphasize the value of cultural match in institutional and system design: charges of bias are less likely (and less likely to stick) if the evolving system is rooted in widely accepted values and norms, and if citizens generally feel that the system is their ally rather than a tool of tribal political leadership.

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Conclusion

For any Native nation, building a strong and capable criminal justice system is central to progress toward an important set of social goals—goals that include protecting the nation’s citizens from victimization, resolving disputes that may turn to violence, and keeping important public spaces safe. Evaluation results demonstrate that investments like CIRCLE, which streamline and coordinate external funding, and create incentives and opportunities for system rather than program development, can support such progress.

However, criminal justice system strengthening efforts take time, pay off in the longer term, and have a greater chance for success if they are part of a tribe’s broader nation-building agenda. Some Native nations cannot yet make these commitments. Notably, CIRCLE evaluation results also provide guidance for these tribes. A rich, descriptive portrait of the Native community’s criminal justice processes and problems can identify promising avenues for addressing pressing current concerns; if implemented and successful, these actions not only improve system performance, but through citizen and leadership satisfaction, also increase the chances of more thoroughgoing system reform.