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

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Abstract

Research Goals and Objectives. In 1998, the U.S. Department of Justice (USDOJ) conceived a multi-year partnership with three Indian nations—the Northern Cheyenne Tribe, Oglala Sioux Tribe, and Pueblo of Zuni—to strengthen the tribes' justice systems. Through this initiative, called the Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project, USDOJ helped the participating tribes implement strategies for making the individual components of their justice systems work better together in addressing crime and related social problems. This report considers the outcomes of the CIRCLE Project, for which federal funding culminated in fiscal years 2002 and 2003.

Research Design and Methodology. Several constraints shaped the CIRCLE outcomes evaluation: CIRCLE's implementation period was short; participants' goals evolved; tribal data capacities were variable; significant portions of the evaluation were retrospective; and the entire evaluation process was participatory. Together, these facts generated a situation in which asking "What are the results of CIRCLE for your nation?" provided few helpful answers.

An alternative approach can better adjust to these constraints. Here, the research focused on the collection of information that the tribal partners would find useful for ongoing system evaluation and reform. Given this orientation, pertinent questions were: What kinds of things would indicate progress toward your community's CIRCLE Project goals? What data (that are actually "gettable") would mark that progress? What does this information mean in terms of system functioning? How can your community act on it? Where system-strengthening investments took hold, this focus produced measurable results associated with CIRCLE. In circumstances where CIRCLE investments were unsustainable or otherwise unable to affect system functioning, the focus provided valuable information for tribes about their situations and their practical opportunities for change.

Research Results and Conclusions. Key findings from the CIRCLE evaluation research are:

- In the right circumstances, investments in improving criminal justice system functioning can help Native nations address pressing crime problems.

- Where circumstances are not yet right for systems reform to have an effect, there may be opportunities for targeted change to improve institutional performance, promote safety, address crime, and—potentially—lay the groundwork for later, more comprehensive reform.

- Sustainability was a formidable challenge at every site, but without sustainability, short-term investments may amount to little more than short-term jobs programs. Fortunately, this is a problem that can be solved; this research points to a number of planning design considerations that promote sustainability.

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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.

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

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

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

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 had, every contact between a police officer and a citizen (or between a judge and an offender, a

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.

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.

Chapter 1

Introduction

CIRCLE: Project Origins and Timing

During the 1990s, the U.S. Department of Justice (USDOJ) began an important shift in its policy involvement in Indian Country. Prior to this time, USDOJ involvement was somewhat narrowly confined to the investigation and prosecution of crimes falling under federal jurisdiction. But as the need for additional tribal law enforcement and justice services resources became increasingly apparent, USDOJ expanded its involvement and worked to augment the core justice services provided by the Department of the Interior Bureau of Indian Affairs (BIA) Division of Tribal Government Services and Division of Law Enforcement Services.

This change occurred through special initiatives targeted at tribes and through the promotion of tribes as eligible applicants to the Department's usual grantmaking programs. For example, in 1995 USDOJ funded the Tribal Strategies Against Violence Program (TSAV), a tribal-federal partnership designed to empower tribal communities through the development of comprehensive reservation-wide strategies to reduce crime, violence, and substance abuse. USDOJ also launched the Indian Country Justice Initiative (ICJI) in 1995 and worked with two Native nations, the Northern Cheyenne Tribe and the Pueblo of Laguna, on a pilot effort to streamline USDOJ's support for Indian Country. In 1996-97, representatives from USDOJ worked together with colleagues from the BIA and select tribal leaders on the "Executive Committee for Indian Country Law Enforcement Improvements," in an effort to analyze and propose responses to Native nations' pressing crime and justice concerns. In 1998, the U.S. Departments of Justice and Interior jointly committed to increasing resources for tribal public safety through the Indian Country Law Enforcement Improvements Initiative (ICLEII). Also during this period, the USDOJ's Weed and Seed program began to include tribal communities in its outreach and funding.[1]

The Comprehensive Indian Resources for Community and Law Enforcement (CIRCLE) Project built on these efforts. Launched in the late 1990s, CIRCLE was a collaborative effort by seven grantmaking offices and bureaus of the U.S. Department of Justice (the Corrections Program Office,[2] Violence Against Women Office, Office for Victims of Crime, Office of Juvenile Justice and Delinquency Prevention, Bureau of Justice Assistance, Community Oriented Policing Services Office, and National Institute of Justice) and several non-grantmaking agencies.[3] It

[1] This history is reviewed in greater detail in Baca (2001) and in Office of Justice Programs (1997).

[2] By the time of this report's release, the Corrections Program Office had been dismantled, and its functions subsumed under the USDOJ Bureau of Justice Assistance.

[3] The Office of Justice Programs (OJP) American Indian and Alaska Native Affairs Desk (AIAND) had a prominent role in spearheading project development and coordinating implementation; the Office of the Assistant Attorney General authorized the release of resources to the tribes; the Office of Tribal Justice provided critical management guidance; and the USDOJ Office of the Comptroller offered key advice and technical assistance.

aimed to strengthen tribal justice systems and, through effective tribal-level planning and strategic comprehensive approaches, better equip Nations nations to combat the interlinked community problems of crime, violence, substance abuse, and juvenile delinquency. Significantly, the collaboration did not commit new funds to Indian Country; instead, it worked to streamline the federal funding process through which tribes received money for corrections programs, domestic violence programs, victim services, youth services, courts, and law enforcement, and it encouraged the participating Native nations to develop a single strategy for using these funds.[4] The Native nations invited to participate in the CIRCLE demonstration were the Northern Cheyenne Tribe, the Oglala Sioux Tribe, and the Pueblo of Zuni.[5] Discussions with these tribes began in 1999, and funding for project implementation began to flow shortly thereafter. For the most part, the participating tribes completed the spend-down of CIRCLE dollars by the fall of 2002, though some federal investment in CIRCLE programming persisted through 2003.

The Tribal CIRCLE Projects

Given the opportunity to access coordinated funding from a range of USDOJ grantmaking entities and USDOJ's encouragement to think comprehensively about system improvements, each of the Native nations participating in the CIRCLE Project implemented somewhat different strategies for justice system strengthening and crime prevention. The CIRCLE Project process evaluation (Brimley *et al.* 2005) describes these plans and the tribes' implementation progress in detail. The following is a brief summary:

- Project partners at the Pueblo of Zuni believed that an intergenerational "cycle of violence" was a key driver of tribal crime, and the goal of their CIRCLE effort was to break this cycle. As a result, the Zuni CIRCLE strategy focused on the reduction of alcohol-related crime, family violence, and youth violence. Project partners worked to strengthen the performance of specific criminal justice agencies (domestic violence service providers, the police department, corrections, etc.); to build a sophisticated management information system capable of providing timely information on the performance of individual agencies and the system as a whole; and to iteratively learn from these efforts about the ways the tribe's criminal justice system could better intervene to break the cycle of violence.

- The Northern Cheyenne CIRCLE partners marshaled the resources provided through CIRCLE and their experience with several previously funded federal programs to continue strengthening the tribe's justice system. Their priorities—tied together by a strong emphasis on reducing youth crime and delinquency—

[4] The fact that CIRCLE is designed to explore the benefits of more integrated federal funding for tribal justice programs distinguishes this project from its predecessors (which include TSAV, ICJI, and tribal Weed and Seed). Other initiatives have focused tribes on comprehensive planning, but the collaboration between the seven USDOJ units participating in CIRCLE is innovative and unique in the department's history of involvement with tribes.

[5] For details on why these three Native nations in particular were invited to participate in CIRCLE, see the CIRCLE process evaluation report (Brimley *et al.* 2005), pp. 37-40.

included the development a more full-bodied justice system and the integration of service planning and delivery. They invested in community policing, local responses to domestic violence, and youth services and corrections (through the construction of a juvenile detention center able to provide a wide array of culturally appropriate services for youth offenders).

- Oglala Sioux's initial CIRCLE strategy focused on youth and was designed to respond to three inter-related youth concerns: juvenile crime, a lack of recreational activities for youth, and a lack of juvenile treatment facilities. The tribe also set a goal of a 20 percent reduction in crime. By the second year of CIRCLE funding, however, the partners concluded that weaknesses in the tribe's formal justice institutions and processes made all of their jobs harder; their revised goal was to increase the effectiveness of OST justice system institutions. In year three, the OST CIRCLE Project continued to pay attention to youth concerns and justice system improvements, but focused particularly on a subpart of the year two goal—namely, on improving the functioning of the tribal court system.

CIRCLE Evaluation

Phases and Focuses

What did the CIRCLE Project achieve? Did it meet its goals? What measurable outcomes did it produce? What ideas can it offer tribal and federal policymakers about strengthening Native nations' justice systems?

Such questions—and more—are at the heart of the CIRCLE Project evaluation. Phase I (the process evaluation, see Appendix A for the Executive Summary) focused primarily on the implementation of CIRCLE at the federal and tribal levels. It examined federal inter-agency coordination to improve the flow of funds to tribes, the tribal contexts in which CIRCLE work was undertaken, the tribes' strategies for the use of funds, and their success at implementing those strategies. Ultimately, the Phase I report points to:

- The promise of federal cross-agency cooperation and coordination as a means of maximizing the value of federal investments in building strong and resourceful tribal communities;

- The strategic importance of addressing crime problems through system-level (rather than program-level) thinking; and

- The powerful, intertwined influence of nation building, culture, and context on designing and sustaining comprehensive justice system change efforts in Indian Country; and,

- The importance of focusing on sustainability in the design of such initiatives.

Moreover, the Phase I evaluation and report set the stage for the Phase II, or outcomes, evaluation. Three findings from Phase I are particularly important to the content and structure of the Phase II work, which this paper reports on. First, and as highlighted in the brief activity descriptions above, each of the tribal contexts was quite different and each of the participating Native nations saw themselves as involved in fairly different efforts. Second, because evaluation activities lagged behind on-site implementation[6] and occurred in the absence of data-driven strategic assessments of community needs and responsive justice system interventions, opportunities for baselining and measuring change potentially attributable to CIRCLE were limited. Third, while CIRCLE participation was extremely beneficial for expanded justice system programming in the short-term, the three-year funding and implementation period provided little time for project activities to coalesce into system change.[7] Additionally, at two of the tree sites, the project as a whole was essentially unsustainable after the funding ended.

These issues defined what the Phase II evaluation could and could not be. With the tribes undertaking different CIRCLE Project activities, the evaluation could not consider a consistent programmatic intervention across sites and look for overall evidence that it worked or not (the typical inputs, outputs, and outcomes evaluation model). Rather, research efforts had to focus on each nation's accomplishments and then on broad, comparative themes across sites.

In conducting site-specific work, however, the issues of limited project sustainability and limited, variable-quality quantitative data on baselines and progress came into play. Together, they generated a situation in which asking "What are the results of CIRCLE for your nation?" could not provide very many helpful answers. Without a pre-project baseline data collection phase, researchers' only alternative was to attempt retrospective data collection. But the success of this approach depends on the existence and functionality of mechanisms for criminal justice data storage and on the parties with control over those mechanisms—and at each of the CIRCLE sites, these barriers prevented the collection of data on many variables and many time series. Additionally, where projects were not sustained, implementation may have not lasted long enough to create outcomes-visible change. In combination, these factors meant that Phase II of the evaluation could consider only a few time series comparisons showing the possible impacts of CIRCLE, and that even at the site level, "outcomes evaluation" had to shift away from the typical inputs-outputs-outcomes model. It needed to address results, but in a way that

[6] An evaluation research solicitation was released by the National Institute of Justice in April 2000 (after the participating Native nations had developed their comprehensive plans and received funding for the first year of project activities), the research grant award was made in the fall of 2000, and evaluation activities began late that year (just as the partner tribes were beginning to invest their second-year funds). Evaluation work then occurred in two phases—a first, 18-month process phase and a second, 30-month outcomes phase.

[7] This is a common problem with the evaluation of comprehensive community initiatives (CCIs). Auspos and Kubisch (2004) call this a "mismatch between the time frames of the initiatives and the evaluations," where the kinds of changes that CCIs are expected to produce in communities will not be manifested for a much longer period than initiatives typically track. A particular problem is that the time needed to get an initiative up and running has turned out to be much longer than anticipated. It is not uncommon for the planning, capacity building, and start-up phase of an initiative to take three or more years. This means that an evaluation that tracks an initiative for its first five years—a very long time for social policy evaluations—will cover only a relatively short period during which the initiative is functioning at full capacity. …If the goal of an evaluation is to assess the effectiveness of a particular type of intervention, the 'fair test' standard would requires that the intervention be allowed to play out" (pp. 11-12).

acknowledged the participating tribes' their very different capacities for data collection and management and very different degrees of readiness for criminal justice system building.

Our approach—justified and explained more completely in Chapters 2 and 3 of this report—was to focus on the collection of information that the tribal partners would find useful for ongoing system evaluation and reform. In partnership with the local evaluation teams, we asked broader but more answerable questions than the purely results-oriented question above: What kinds of things would indicate progress toward the goals your community established for the CIRCLE Project? What data (that are actually "gettable") would mark that progress? What does this information mean in terms of system functioning? How can your community act on it? Where CIRCLE-motivated, system-strengthening investments took hold, this focus produced measurable results associated with CIRCLE.[8] And in circumstances where CIRCLE investments were unsustainable or simply unable to affect system functioning, this focus provided valuable information for tribes about their situations and their practical opportunities for change.

Is this outcomes evaluation? Yes—as long as outcomes are interpreted broadly, to include both the results and learning (new ideas and knowledge) that emerge from a project. Furthermore, this approach brings considerations about the outcomes of the evaluation itself to the forefront. Especially in the Indigenous context, externally mandated evaluation ought to produce benefits and useful insights for the community hosting the assessment (Kerr 2006). Evaluation in Indigenous communities also ought to accord with community standards of "effectiveness" and "success" (Boyer 2006); more broadly, this is a call for cultural competence in evaluation research (LaFrance 2004). And, there is an emerging opinion that evaluation research itself ought to support community action, especially when the research is conducted in collaboration with dominated groups (Fetterman *et al.* 1996, Fisher and Ball 2002, Hall 1993, Hillabrandt 2002, among others).[9] A typical outcomes evaluation offers little along these lines. At best, it might provide income to tribal members as they help search for the data the evaluators want; it might even give the Native nation some datasets (although the data they contain would be tailored to the external evaluators' concerns). At worst, it could cultivate a sense of defeat, if a narrowly (or wrongly) focused external assessment brands the local implementers' work as having been for naught.

Participatory Methodology: Benefits and Challenges

The most important characteristic of the CIRCLE Project evaluation methodology is that it was deeply *participatory*. It was the work of a partnership among tribal site-based local evaluation

[8] It is nearly impossible to be certain that a given outcome is attributable to CIRCLE. The project was not designed to test the counterfactual question of what might have occurred in the absence of CIRCLE programming—nor is it straightforward to construct such social experiments. For example, finding two similar Native nations and using one as the "treatment" group and the other as the "control" ignores the many small, inter-community differences that could make a program work or not work. Thus, the best researchers can do is observe the variables that might be reasonably correlated with CIRCLE implementation and rule out other reasons for change. See also Auspos and Kubisch (2004), especially pp. 24-5; Granger (1998); and Hollister and Hill (1995).

[9] In fact, most of these points are made numerous times by the contributors to Davis *et al.* (2000), a leading source for guidance on evaluation research in Native communities produced by the Work Group on American Indian Research and Program Evaluation Methodology at Northern Arizona University.

teams composed of community members (the "internal" evaluators), a national team convened by the Harvard Project on American Indian Economic Development (HPAIED) and the Native Nations Institute (NNI) at the University of Arizona (the "external evaluators),[10] and federal funders and project organizers within the U.S. Department of Justice. Expanding on the orientation described above—that the process and products of evaluations conducted in Indian Country ought to be useful and meaningful to the tribal community—the participatory research methodology explicitly acknowledges that locally useful and meaningful research cannot be *done on* Native communities; rather, it must be *done by* Native communities themselves.

Because of this methodological choice, the tribal partners in Phase II of the CIRCLE Project evaluation (represented organizationally by Chief Dull Knife College at Northern Cheyenne, Oglala Lakota College at Oglala Sioux, and the Zuni Community Development and Advocacy Center) participated in and often directed core evaluation design and data collection tasks. In particular, they identified the focus, goals, and end products of the CIRCLE Project evaluation at their sites and locally relevant program outcomes and system performance indicators. Rather than supposing external experts could determine, find, gain access to, and interpret such information better than (or even as well as) community members, this approach explicitly acknowledged community members' greater expertise. Throughout the process, the local partners assigned external evaluation researchers to the tasks on which their efforts were most appropriate or most needed. These included advocacy for the evaluation research within the tribe (presentations to elected leaders and other tribal government officials, such as judges and chiefs of police), meeting facilitation (organizing, scribing, and producing briefing products on meetings with local evaluation team members to help them process their findings), and by-hand data collection (trawling through police incident records and justice and social service agency reports, and matching data across justice, social service, and health agencies), among others.

The federal partners' role was somewhat different, but they were also vital players in the collaboration. Similar to the tribal partners, their presence at the table led to a better understanding of federal programs, processes, and data. But more than that, their ongoing involvement created immediate opportunities for the evaluation partners to share their work, engage in real-time advocacy with USDOJ personnel, and gain critical insight into future federal policy options. Through these interactions, the evaluation became a mechanism for voicing—and often, dealing with—a variety of acute and knotty problems at the regional and national level that affect tribal criminal justice. Finally, the federal presence created a valuable incentive for Native nations' participation: tribal partners noted that their comfort level with evaluation increased with the knowledge that the federal partners were being evaluated too.

Of course, while participatory research has many benefits, it is also *very hard*. Cross-site participatory research presents analytic, organizational, and financial challenges: How is it possible for a national, external evaluator to elicit the participation of willing and capable local researchers? How is it possible to balance the goals of locally validated and useful research with the need for cross-site analysis and overall project assessment? How are both activities affordable? (See also Hebert and Anderson 1998).

[10] NNI was the lead external evaluator in the outcomes evaluation, and its sister organization, HPAIED, was the lead external evaluator in the process evaluation.

The external research team (the "national evaluator") met these challenges through relationship building and teamwork—processes it supported through deliberate decisions about personnel and budgets and by providing frequent opportunities for conversation and collaboration.

First, and as much as possible, HPAIED and NNI kept in place the same team throughout both the process and outcomes evaluation. This continuity in relationships increased the trust and confidence that external and internal team members had in each other. For example, external team members gained confidence in the local team members' capacity to do the work, and internal team members began to trust that their external partners would generate useful information for their communities and not appropriate or misuse data.

Second, budgeting for the outcomes phase included substantial investment in the tribal partner organizations, giving them the financial wherewithal to pay for vital labor and operational costs associated with day-to-day participation in the research. The transfer of administrative responsibility for the work from Harvard University to the University of Arizona was instrumental in making this happen: at the time, lower overhead rates were available at the University or Arizona, leaving adequate direct dollars in the grant to support meaningful transfers of funds to Chief Dull Knife College, Oglala Lakota College, and the Zuni Community Development and Advocacy Center. To further lessen strain on partner capacities, the subcontracts for delivery of these funds were "forward focused": an initial payment was provided upfront, and although subsequent payments were provided after the satisfaction of contract milestones, the partners were never left in the situation of having to perform a service without an appropriate cash in hand to support the work.

Third, the combined team used in-person and telephone meetings for progress updates, data gathering, peer training, and data analysis. Off-site/external team members established monthly telephone contact with on-site/internal partners to follow and assist with their activities. External evaluation team members visited their site-based partners at least twice; as noted above, their role was to participate in data gathering tasks that required additional personnel, engage in ongoing research planning and findings interpretation, and advocate for the research effort. The entire team (NNI researchers, the tribal CIRCLE Project Coordinators, researchers from the tribal partner colleges and non-profit organization, and a federal representative) met twice in person (once at the outset, once nearer the end of the evaluation period) at the University of Arizona to plan, share information, and interpret the outcomes research. This large team also convened every four to six weeks during the 30 months of Phase II evaluation, through conference calls organized by the federal partners. At mid-stream, three of these calls were dedicated to an intensive debriefing on sites' progress (one site per call); this was a targeted opportunity for course correction. Our experience with these many interactions was that they created multiple and rich opportunities for data collection and analysis and strong agreement among all partners about the tribe-specific and comparative outcomes of CIRCLE.

Concluding Thoughts on the Methods and Focus of the CIRCLE Project Evaluation

The time and resources allowed for the sites to design and implement CIRCLE was relatively short; the tribal contexts were quite different across sites; each site's project goals evolved somewhat over the course of the project; the sites' data capacities were widely variable; significant portions of the evaluation were retrospective; the entire evaluation process was

participatory. Together, these facts meant that, by necessity, *specific* evaluation research methodologies varied from site to site. Details on these methodologies are provided in the findings section (Chapter 3), so that readers can examine ground-level methodologies in concert with the findings they produced. Readers should pay particular attention to the work at Northern Cheyenne and Oglala Sioux sites. We believe that in both places, a new and creative research approach was applied, one that has implications for much future work on criminal justice program and system improvement in Indian Country. In both of these tribal contexts, "off the shelf" data were scarce, so CIRCLE evaluation researchers had to become data detectives, working to identify and knit together multiple incomplete data strands into a single coherent data picture. The pictures that emerged were used to either confirm or recast common (anecdotal and subjective) perceptions of "the real problems" behind crime or failures in justice. Importantly, they also highlighted specific opportunities for localized change and reform.

We are excited about this outcome (new learning, new knowledge) from the CIRCLE evaluation. By offering an alternative assessment paradigm when time series on (for example) arrests, dispositions, and service provision are unavailable, the approach may provide significant new opportunities for understanding and assessing Native nations' criminal justice concerns.

But we also temper this excitement with a sobering observation. For both Northern Cheyenne and Oglala Sioux, the data work conducted during the outcomes evaluation was the first opportunity either tribe had had to examine and understand their true crime and justice problems. In other words, introducing evaluation research well into the implementation of the CIRCLE Project had incalculable costs. Had research activities on baseline conditions, problems, and issues begun earlier,[11] and had that information been used in the assessment and strategic planning phase of CIRCLE, the participating Native nations' CIRCLE strategies and specific investments may have been quite different. Likewise, how each Native nation's CIRCLE project proceeded, its sustainability, its successes, and evaluation researchers' ability to assess those successes would have been quite different.[12] As one tribal representative observed, if she had known at the outset of CIRCLE implementation what she knew about recidivism and repeat offenders by the end of the evaluation, her job would been a lot easier. Across sites, had true data-driven strategic planning been pursued from the start, this report *could* have focused more squarely on the results of CIRCLE than on its lessons.

Overview of Report and Findings

Looking across both phases of the CIRCLE Project evaluation, our primary conclusion is that the initiative was a valuable evolutionary step in federal and tribal partnerships to address crime and related social problems in Indian Country. As detailed in the Phase I report, CIRCLE's most distinctive components included its strong commitment to comprehensive criminal justice *system*

[11] Our experience with CIRCLE suggests that starting baseline data collection 18-24 months prior to project implementation would have provided about the right amount of time for constructing a rich data portrait of each Native nation's systemic criminal justice concerns.

[12] As observed in the evaluation phase I report, the participating Native nations as well as research-oriented parties at USDOJ were aware of this disconnect. But the project proceeded apace because of pressure from Executive Branch and USDOJ leadership to "do something" about crime and criminal justice concerns in Indian Country.

change, the 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. Phase I evaluation research demonstrated how these components enabled the participating Native nations to consider the wide range of resources encompassed by tribal criminal justice systems for addressing pressing crime and social problems. Phase II evaluation research suggests that when Native nations are ready to act on those strategies, their work—if sustained, focused, and updated to reflect new learning—can lead to the realization of important social goals.

Two themes emerge from our outcomes findings, themes which provide guidance both to Native nations pursuing criminal justice system change and to investment partners (foundations, the federal government, etc.) in such change: (1) the benefit of organizing criminal justice system components and functions around clearly defined short- and long-term crime prevention and control goals; and (2) the benefit of investments (funding, technical assistance, etc.) that build the learning capacity of working partnerships among tribes, federal agencies, and other institutions and agencies (where the learning is focused, in particular, on the nature of reservation criminal justice problems, potential methods for solving those problems, the means of sustaining a change agenda, and ways that the partners might interact to promote further learning and implement new ideas).

To develop these conclusions and themes, the report has the following structure:

- Chapter 2 recounts the myriad difficulties in obtaining good Indian Country criminal justice data from "traditional" sources. It then introduces the idea (extended through example in the remaining chapters) that participatory evaluation partnerships can, even in the absence of sophisticated management information systems that produce high-quality data on a regular and frequent basis, yield data and information that are remarkably useful in identifying practical, near-term opportunities for improving system performance and addressing crime.

- Chapter 3 reviews the specific findings from research at each Native nation site. Through the example of the Pueblo of Zuni, it presents the finding that, in the right circumstances, investments in *systems* can produce relatively near-term reductions in crime. Through the examples of the Northern Cheyenne Tribe and Oglala Sioux Tribe, it presents the finding that rich, Indigenously generated data portraits can shed light on promising short- and long-term approaches to improving the functioning of a tribe's criminal justice system.

- Chapter 4 reprises core conclusions from the detailed site findings and, with respect to the findings at Northern Cheyenne and Oglala Sioux, provides guidelines for generating a rich data portrait of a Native community's criminal justice concerns. It then turns to the critical question of how programs like CIRCLE—given their value—can be sustained. The chapter counters the increasingly frequent assertion that sustainability presents a challenge that cannot be solved. Instead, it describes how the CIRCLE partners' commitment to learning enabled them to identify planning considerations and institutional design features that can be employed in the service of sustainability.

Chapter 2

Challenges in Collecting Useful Indian Country Criminal Justice Data

Clear and reliable data on criminal justice issues in Indian Country are difficult to obtain. This chapter reviews several reasons why, but also stresses that the challenges can be overstated: alternative strategies for collecting and analyzing Indian Country criminal justice and related social services data do exist. While the resultant information might not meet stringent standards for inclusion in comparative (national) longitudinal data series, it has significant potential for Native nations concerned with responding to urgent community issues and for public and private funders interested in productive partnerships with tribes. Indeed, construction of a methodology that relies on available criminal justice information to build a detailed, useful portrait of the local context is an important contribution of the CIRCLE Project evaluation.

Indian Country Crime Data and the General Problem of Under-Reporting[13]

Under-reporting is a significant contributor to concerns about Indian Country criminal justice data collection and accuracy. It arises from a variety of factors and occurs at several stages or levels in the process of statistic generation.

The first opportunity for under-reporting is at the grassroots level, where tribal citizens report crime to local law enforcement officials—or not. Issues that may prevent local (often tribal) law enforcement agencies from learning of or otherwise being able to act on crimes include:

- *Skepticism regarding the role and efficacy of police in addressing crime.* In Native nations where traditional means of dispute resolution and social norm enforcement have declined but where new methods, like police intervention, are not viewed as legitimate or effective by the local community, citizens may not bother to bring crimes to the attention of police authorities.

- *Shame associated with certain kinds of crime.* Non-Indian Country research on under-reporting cites the shame and/or humiliation associated with certain kinds of crime as a strong predictor of under-reporting (see, for example, Skogan 1977 and Wasserman 1998); particularly with regard to family-oriented crimes, this nexus of feelings and reactions is also common in Indian Country (see, for example, Harvard Project on American Indian Economic Development 2003a).

- *Communications technology and geographic isolation.* The geographic isolation from police departments and from tribal social service agencies that is typical in

[13] This section draws substantially on Wakeling *et al*. 2001.

Indian Country may heighten the fear of retaliation and further discourage reporting. On some reservations, fear is increased by a lack of ready access to telephone service (though new technologies are slowly changing this).

- *The evolving nature of what's considered a crime in Indian Country.* Sometimes crime data are not generated because there aren't even laws on the books that define the things tribal communities (and outsiders) perceive as crime. In short, if it's not in the law (and here we are referring particularly to Native nations' own legal codes), it can't be charged and it can't be reported.[14]

The second level at which under-reporting occurs is the inter-agency level, between local law enforcement officials and federal or state agencies attempting to collate Indian Country criminal justice data. Issues that may prevent data on crimes that *are* known to police from being collected or forwarded to other agencies include:

- *Staff shortages, time constraints on existing staff, and limited data collection capacities*. These are characteristics of the small, relatively under-funded police departments that are typical in much of rural America as well as in Indian Country; in such departments, officers are generalists and often must sacrifice administrative tasks (such as data reporting) to the more pressing task of responding to urgent calls for service.

- *Competing federal and local priorities*. Local CIRCLE evaluation partners echoed a concern common across Indian Country, that tribes are called upon to provide data (at some significant cost) to federal agencies, but get little valuable information in return. The failure to close this loop—which presumably occurs because federal priorities diverge from tribal priorities—is both a disincentive for further reporting and an important missed opportunity. The failure to return locally relevant information to Native nations, or to constrain federal reporting requirements to mutually useful data, limits tribes' ability to analyze what is and what is not working in their communities.

- *Problems with department administration and management*. Some criminal justice agencies in Indian Country suffer from considerable management and administrative shortcomings. These are attributable to disorganization, limited resources, and even corruption—yet regardless of the cause, such shortcomings are a significant impediment to the collection and analysis of outcomes data.

[14] There is tremendous scope for addressing crime in Native nation law. Many Native nations have responded to the federal assertion of jurisdiction over felonies (individuals who commit federally defined felonies in Indian Country are subject to federal prosecution) and to the dictates of the Indian Civil Rights Act (which limit tribal sentences to one year or $5000) by concentrating code writing on the definition of non-federal crimes as misdemeanors under tribal law. Increasingly, however, Native nations are working to back up federal law with tribal law: activities the federal government classifies as felonies can then be charged as tribal misdemeanors, felonies, or civil offenses. This strategy increases the probability than an offender in Indian Country will be arrested, prosecuted, and sentenced for his crimes. Tribal law can criminalize the same activities that federal law criminalizes because being tried by two different sovereigns does not constitute double jeopardy (see *Heath v. Alabama*, 106 S. Ct. 433, 1985).

Second-Generation Challenges in the Collection of Indian Country Crime Data

Partly in response to the challenges listed above, more and more Native nations are investing in criminal justice management information systems (MIS) and building other local capacities for the collection and analysis of data. Thus, while comprehensive or so-called "state of the art" systems are not yet commonplace, a wide range of local efforts have begun to produce data useful to tribal program managers and planners. These efforts are illuminating a second generation of more nuanced challenges in collecting and using data to manage and improve criminal justice systems in Indian Country. They include:

- *Competing local priorities.* As management information systems are developed at the tribal level, there is an understandable tendency to use them primarily for day-to-day operations, such as case management (helping ensure that cases move efficiently through the criminal justice system) and reports to funders and oversight agencies. It is more difficult to focus staff time on the production of data useful for evaluation and analysis—activities instrumental to improving system performance. The reasons for this uneven attention are several, including near-term versus longer-term payoffs, the fact that it takes different skills to produce and analyze case management as opposed to evaluation data, and budget allocations which support the use of MIS for day-to-day activities but do not provide for the more advanced (and expensive) step of generating evaluative data.

- *Data collection and management information systems as marginal investments.* Wherever and whenever MIS and data collection efforts are considered important but not essential to the functioning of criminal justice systems, local data collection and analysis efforts are vulnerable to changes in personnel, bureaucratic restructuring, and competing political priorities. The net result is that data may exist in isolation or for certain points in time, but cannot be connected to other system elements or built up into useful time series.

- *Local data providers' concerns about how their data might be used.* As capacities for collecting and analyzing data grow, there is increased resistance at the agency level—both within Native nations and in other jurisdictions—to producing and (more pointedly) sharing data with other agencies and actors (be they inside or outside the tribe). In large part, this reaction is attributable to the potential for data to be used as a political tool. Interviews with local stakeholders in the CIRCLE Project revealed suspicion and fear about what data might be used for; "data are power," noted one of tribal evaluation partners.[15]

- *Local politics and data interpretation.* Research "on" Native communities has long been criticized as missing the point—either it is not relevant to current community concerns, or it makes mistakes in interpretation for lack of local

[15] In the final section of this paper, we offer several guiding principles for utilizing data to improve system performance and to identify local investments in programs and policies—principles that might become persuasive answers to the "what for?" question.

knowledge. This is one of several reasons to prefer research that is conducted by or conducted in partnership with local researchers. Yet even under those conditions, there can be significant disputes about whether the data used in the research effort are the right data to use and whether they have been interpreted correctly. (Should the researchers have considered a completely different variable? If the variable examined was the correct one, are the numbers accurate? If the numbers are accurate, is their meaning appropriately understood?) A prominent concern is that locally generated data and data analyses are the products of a particular political or ideological faction, and not representative of the "real" situation. While the goal in data collection and interpretation is political neutrality, these concerns point to the fact that it can be difficult to achieve: how would it even be possible to interpret the political valence of data without substantial local input? And, when researchers assess that political neutrality is absent, is using no data the appropriate alternative?

A Second Take on CIRCLE Evaluation Methods: A New View of Data Availability

The various problems with Indian Country criminal justice data availability and reliability provide important context for the understanding the methodology and results of the CIRCLE Project outcomes evaluation. We knew from the outset that each CIRCLE site undertook different specific initiatives and that there was great variability in the quality and types of data available to them—so we also knew that quantitative data used in the CIRCLE evaluation would be non-comparable across sites. We designed our methodology with these challenges in mind. As noted in Chapter 1, instead of a narrow concentration on the results of CIRCLE, we broadened our inquiry to include the collection of information that the tribal partners would find useful for *ongoing* system evaluation and reform.

This orientation focused the partners on quantitative assessment even when conventional sources of criminal justice data (output from agency or departmental management information systems or federal or state data series on Indian Country crime and justice issues, for example) were absent or unreliable and led them to think creatively about what useful data they could lay hands on. While the Pueblo of Zuni had MIS data, the Northern Cheyenne and Oglala Sioux evaluation teams turned to old arrest logs, court case files, departmental reports, affiliated agencies' records and documents, and so on. From these multiple, incomplete, and even oblique data strands, they developed rich and coherent descriptions of the tribes' criminal justice system processes and problems. In other words, the teams (even the Zuni team) found that there was much more data available than any scan of conventional sources would have indicated. Moreover, because the teams had collected and validated the data themselves, they were confidant of its reliability.

The CIRCLE evaluation's use of participatory research partnerships, which matched local evaluators with off-site evaluators employed by the Native Nations Institute at the University of Arizona, provided vital support for this pragmatic approach. The participation of local evaluation partners shaped the collection and analysis of data to local priorities. The long-term partnerships and resultant strong working relationships between internal and external evaluators made

valuable, but difficult-to-obtain data available to the research effort.[16] And, the local evaluation partners' deep community knowledge helped the teams adjust for the political environments in which data were collected and interpreted. At every site, the leadership, guidance, and direction provided by community-member researchers helped the CIRCLE evaluation minimize or overcome data availability and reliability concerns.

Remaining Challenges with Tribal Criminal Justice Outcomes Data

While our experience with the CIRCLE Project evaluation leads us to believe that there is a rich variety of data available for assessment, planning, and action on tribal criminal justice issues (indeed, much more data than is available from conventional sources), not every problem has been solved. There are remaining challenges to data-based approaches to criminal justice system reform in Indian Country, which we note here as guidance for future projects.

The first is the challenge of time. At all of the sites, but particularly at Oglala Sioux and Northern Cheyenne where it was necessary for the evaluation team members to become "data detectives," the process of gathering extant data and crafting it into a useful system portrait took time. For example, at each of the CIRCLE sites, an evaluation researcher worked at least half time for nearly two years to generate the findings presented in this report. As introduced in Chapter 1, we believe that for a project like CIRCLE, the best time to craft a system portrait is at the outset, in conjunction with the strategic planning phase that leads to overall project design. A system portrait is vital to good baseline assessment because it provides project planners—and evaluation planners—with a more complete understanding of the local context for change. Yet because of the substantial time demand in doing this work, the leaders (or funders) of many initiatives will be tempted to short-change the assessment process—to the ultimate detriment of their projects.

The second is the challenge of locating or designing true indicators of progress. While creativity and concerted effort make available quite a bit of data, it may still not be the most appropriate data for measuring progress on community change. To get a sound grasp on the progress of comprehensive change efforts, the Aspen Roundtable on the Evaluation of Community Change (Auspos and Kubisch 2004) notes that tracked indicators ought to speak to at least three dimensions of change—the wellbeing of community members (especially children and families), "community efficacy," and system functioning.

The design of the CIRLCE initiative, the timing of the CIRCLE evaluation, and remaining issues around data availability meant that the project's outcomes evaluation encompassed some but not all aspects of these important dimensions of change. We conclude this chapter by noting how the CIRCLE evaluation measured up along each dimension and how future research on criminal justice system change initiatives in Indian Country might address these remaining challenges.

- *Change initiatives should track outcomes that describe or relate to the wellbeing (health, safety, education) of children, families, or other residents of communities.*

[16] *Nb*: We are not referring to data that outsiders should not see, but rather, useful data that no one would have bothered to gather had it not been for the research partnership.

These outcomes were a primary focus of the CIRCLE outcomes evaluation. Yet with a pre-project assessment period, they could have been implemented more effectively and even led to more targeted intervention strategies (which in turn may have led to greater/more measurable change).

- *Change initiatives should track outcomes that describe elements of community efficacy* (in this context, "community efficacy" refers in particular to prevention efforts that extend beyond criminal justice agencies, including neighborhood empowerment, advocacy successes, etc). The focus on community efficacy was most evident in the tribal CIRCLE partners' discussions about for juvenile crime prevention. However, few community capacity outcomes were explicit goals for CIRCLE, targets of CIRCLE funding, or identified topics for evaluation data collection. The Oglala Sioux site was an exception. Because the OST project coordinator and lead onsite evaluator were trained community organizers, they saw increased community efficacy as a critical aspect of the CIRCLE Project and its evaluation (bringing concepts of empowerment evaluation to the fore, see Robertson, Jorgensen, and Garrow 2004). Although the project—and its community capacity-building work—proved unsustainable at OST, the team attempted to assess progress through simple measures such as the frequency of and attendance at community meetings and more nuanced tools such as descriptions of the CIRCLE team's advocacy efforts on law enforcement. Certainly, future CIRCLE-like efforts should incorporate increased community efficacy as a goal and, in tandem, incorporate relevant measures into evaluation work.

- *Outcomes that describe improvements in system functioning* (interagency referrals, program completion rates, etc). These outcomes are especially relevant to CIRCLE (and similar future projects), and at least to a limited degree, they were measured in the CIRCLE evaluation and used to improve local programs. For example, evaluators measured referrals during the height of the Northern Cheyenne CIRCLE Project implementation (see the Northern Cheyenne chapter in the Phase I report), and outputs evaluation retrospectively assessed juveniles' participation in family court processes and their uptake of health and treatment services. By the end of the evaluation period, Zuni had just begun to use referral data to assess system performance, and discovered that victims' services were not well-integrated with the rest of its programming. At best, these data suggest that CIRCLE had begun to have a systems effect. In general, however, the implementation and evaluation period was too short (especially in situations where the project was unsustainable) for much data of this sort to be measured. Again, our strong feeling is that a better pre-project assessment period and more integrated project implementation and evaluation are necessary to create more useful results and data. These processes promote strategic thinking about what system functioning measures make sense, allow baselining, provide time for realistic discussions about how much the measures can be expected to change over various time periods, build in time for course corrections and re-assessment, and lead to more sustainable (and thus, more trackable) system change.

Chapter 3

CIRCLE Project Outcomes Research Findings

What did CIRCLE achieve in the communities in which it was implemented? What do these findings suggest about the promise of multi-sector, multi-program strategic investments in improving system design and functioning as a means of fighting crime, violence, and related social ills in Indian Country?

This chapter provides an inclusive answer, one which focuses both on the success of comprehensive approaches to improved system functioning and on the possibilities for more targeted investments in the performance of particular system elements. Specifically, the CIRCLE evaluation suggests that in the right circumstances, comprehensive investments in criminal justice system functioning can help Native nations address pressing crime problems. But where circumstances are not yet right for systems reform to have an effect, there may still be practical opportunities for more narrowly directed change to improve institutional performance, promote safety, reduce crime, and—potentially—lay the groundwork for later, more comprehensive reform.

The chapter also examines an important federal outcome of the CIRCLE approach (and an important means by which the participating tribes achieved their results): whether CIRCLE actually did increase the flow of funds to the three nations.

Outcomes Evaluation Findings from the Pueblo of Zuni CIRCLE Project

Overview

The Pueblo of Zuni is located 100 miles west of Albuquerque, on New Mexico's western border. It is a large reservation, occupying 638 square miles, an area nearly the size of Rhode Island. The setting is beautiful, with the semi-arid climate and high elevation ensuring consistently clear, relatively moderate weather. The reservation's population is 11,000, and some 10,000 of these individuals are Zuni citizens. The Pueblo faces significant economic challenges, though perhaps not so dramatic as those of the other sites participating in the CIRCLE Project. In 1998, 65 percent of reservation residents were unemployed, and at $7,000 per household, family income was far below national averages (Bureau of Indian Affairs 1999).[17]

The goal of the Pueblo of Zuni's CIRCLE effort was to break the intergenerational "cycle of violence" that local project planners understood to be the driver of reservation crime. Based on this goal, Zuni's CIRCLE partners developed strategies for reducing alcohol-related crime, youth violence, and family violence. They further posited that reductions in certain kinds of crime would be evidence of these strategies' success in breaking the cycle of violence—though they

[17] A more detailed profile of each of the participating tribes is provided in the process evaluation report.

also recognized that some goals could not be captured with a single crime reduction measure. For example, comprehensive evidence of reductions in alcohol-related crime would require tracking crimes directly related to alcohol abuse (drunk and disorderly conduct, driving under the influence, etc.) *and* crimes in which alcohol played a less direct but clearly important role (such as domestic violence).

More specifically, the Zuni CIRCLE evaluation team developed a plan focused on:

- *Strengthening overall system functioning*. These investments ranged from initiating the use of an automated criminal justice management information system, to forming a steering committee composed of experienced and committed departmental leaders, to developing policies, procedures, and protocols for strengthened coordination across criminal justice and social service agencies. Each activity was designed to better organize the system around broadly accepted crime prevention and crime reduction goals. Some of these system strengthening efforts—such as the MIS and the new policies and procedures—were focused on building "infrastructure" capable of improving system functioning for some time (especially across turnovers in elected tribal leadership); in other words, they were efforts to institutionalize system change. Others efforts focused on gaining sitting executive and political leaders' support for the change efforts.

- *Building a stronger portfolio of prevention and early intervention programs.* One set of investments was youth-oriented: after-school programs, recreation programs, and more ambitious youth-development efforts focused on building a richer spectrum of opportunities for at-risk youth. These significantly changed the way the nation (and especially school officials, criminal justice personnel, and family- and youth-oriented social-service providers) addressed youth needs. The local architects of CIRCLE also designed new and improved programs for families at risk of domestic violence and child abuse and neglect. Critically, these efforts recognized the role that alcohol abuse plays in family violence.

- *Building a stronger police department*. This was an important focus of the Zuni CIRCLE effort—in part because it aimed to strengthen the department's administrative and operational capacity to tackle pressing community problems (like alcohol-related crime), but also because it was the vehicle for shifting the department's philosophy and tactics toward community policing. Indeed, the change agenda for the police department included efforts that were purposely focused on building capacity to implement community policing. These efforts included bicycle patrols, new communications equipment, and increased training in a variety of areas (further description is provided in the process evaluation report). Not all were equally successful (or sustained), but the net result was a stronger department, one more capable of addressing crime in a proactive manner.

- *Developing a new correctional facility.* Initially, plans for the correctional facility included a wide range of programs targeted at substance abuse and youth rehabilitation. While not all of these programs survived the tough fiscal road from planning and design to construction and implementation, overall results from the

> correctional facility component of the Zuni CIRCLE Project were highly positive. Facility planning and construction moved at a surprisingly rapid pace, and the result was a modern, humane correctional facility that filled a critical community need and will long serve as a cornerstone of a stronger criminal justice system.

Finally, we note that these efforts benefited from the seasoned, creative, motivated, and multi-disciplinary leadership of the Zuni CIRCLE Project coordinator and the original Zuni CIRCLE Project planner, who stayed involved throughout project implementation and evaluation.

What Was Learned: Comprehensive Investments Can Work

Even with the investment in an MIS, collecting data around the project's three goals was a formidable challenge. The new MIS's primary purpose was to support improved case management, by tracking action on cases as they moved through the criminal justice and social services systems (thereby improving investigative efforts, prosecution, social service delivery to defenders, and supports to victims of crime). Not surprisingly, it was more efficient at improving case management than at providing data on criminal justice system functioning. Additionally, because the MIS's software and hardware were "young" and unrefined, operational glitches, system failures, and unanticipated inefficiencies commonplace. Despite these difficulties, Zuni evaluation team members were, over time, successful at collecting data on the following:

- Arrests[18] for aggravated and simple assault by adults and juveniles as a measure of reduced community violence;[19]

- Arrests for a variety of alcohol-related crimes, including public drunkenness, illegal possession of alcohol by a minor, and driving while under the influence (a major local problem), all as measures of success in addressing alcohol abuse; and

- Arrests for endangering the welfare of a child and for domestic violence as measures, respectively, of reduced child abuse and neglect (primarily reduced neglect, in this case) and reduced spousal violence.

The evaluation team also scanned for other, non-MIS generated data that might corroborate or refute apparent trends in the core data. For example, they collected data on alcohol-related automobile accidents to help validate trend data regarding alcohol abuse. The overall findings follow.

The increase in force size had a dramatic upward effect on arrests. Working with the federal partners—especially the COPS office—the Zuni CIRCLE team was able to fund, recruit, train, and deploy several new police officers very quickly. These new officers made it possible for the department to expand and enhance its patrol function, as much as doubling the number of officers on patrol at any one time or who were present at important events (especially religious

[18] Of course, arrests by themselves are an incomplete indicator of progress toward a safer community but they are one useful source of information regarding system functioning.

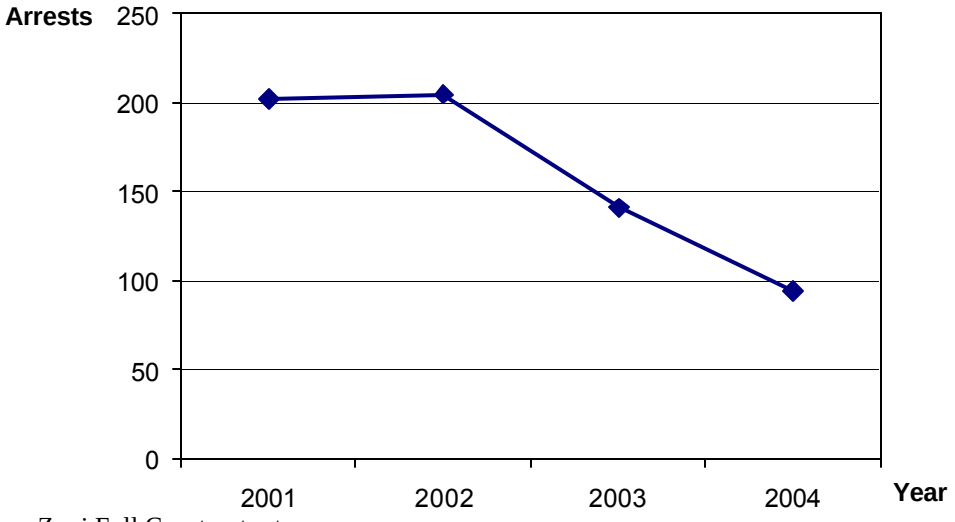
[19] Increasingly serious violence is a concern throughout Indian Country, but most very serious crimes (like homicide) are not frequent enough in these relatively small communities to provide informative, reliable trend data that contributes to our understanding of whether or not tribal communities are making progress in addressing violence.

and cultural events with high round-the-clock attendance over a span of days). This increase in department patrol capacity drove up the arrest rate for a variety of crimes from 2001 to 2002, including most of those tracked for the CIRCLE Project evaluation.

These patrol numbers were sustained through 2003, and thus, declines in arrest rates from 2002 to 2003 might be associated with CIRCLE. Moreover, the evaluation team's assessment is that CIRCLE strengthened the patrol function in a sustained manner, resulting in stronger, ongoing enforcement across a number of crime categories. As discussed in more detail below, if this perception is accurate, declines in the arrest rate from 2003 to 2004 (see Charts 3.1-3.3) also may be attributable to CIRCLE (rather than a return to a smaller force size).

Community violence appears to have declined. Arrests for simple assault dropped significantly, from 205 arrests in 2002 to only 94 in 2004 (Chart 3.1). The arrest rates for aggravated assault and for assaults by juveniles also dropped, though the trend is not nearly as clear.

Chart 3.1: Arrests for Simple Assault, Pueblo of Zuni

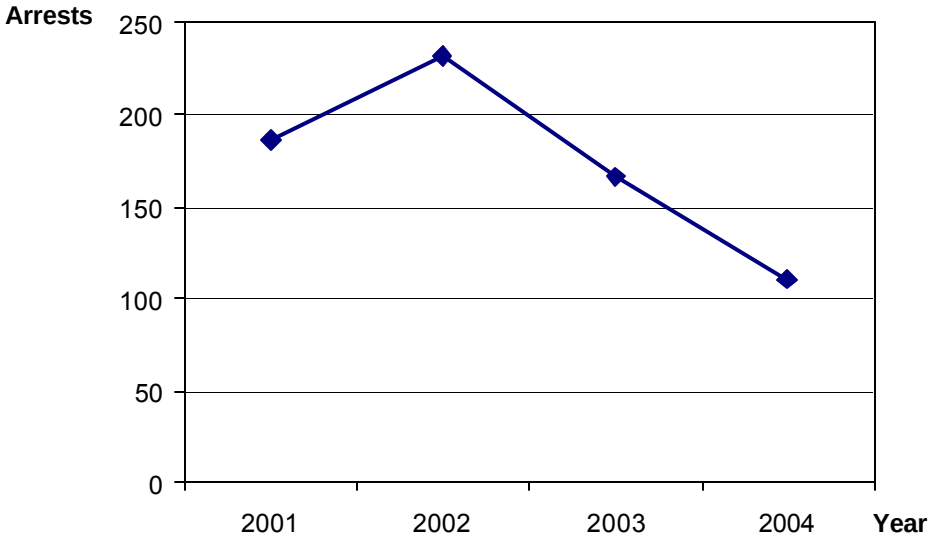


Source: Zuni Full Court output.

Increased enforcement efforts, problem-solving efforts by police, and prevention and early intervention programs established and supported by CIRCLE are likely to have played a role in this decrease. Interviews with a variety of local stakeholders—including line staff, residents, and executive and political leadership—support this conclusion. Even so, these stakeholders and the local evaluation team report that their confidence in sustained and significant change would be buttressed by additional trend data.

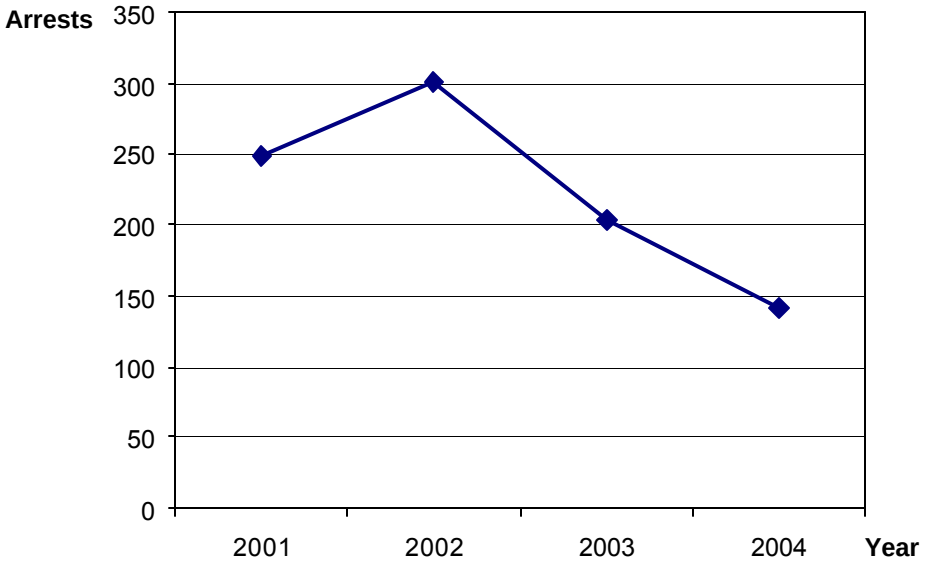
Arrests for important categories of alcohol-related crime dropped dramatically over the evaluation period. In particular, arrests for public drunkenness and driving while under the influence of alcohol dropped by approximately 40 percent from 2001 levels (Charts 3.2 and 3.3).

Chart 3.2: Arrests for Public Intoxication, Pueblo of Zuni



Source: Zuni Full Court output.

Chart 3.3: Arrests for Driving While Under the Influence, Pueblo of Zuni



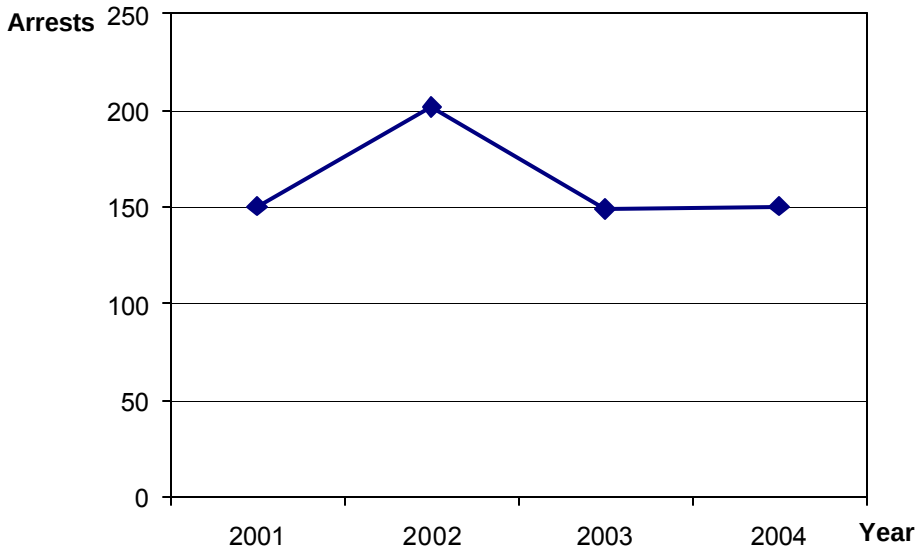
Source: Zuni Full Court output.

Once again, local stakeholders and evaluation team members report that increased enforcement efforts, problem-solving by police, and prevention and early intervention programs established and supported by CIRCLE may have played a role in these declines. What's more, they report that these categories of crime are important signs of community health, in part because they

occur in highly public settings but also because alcohol abuse is such a fundamental cause of crime and related social problems in Indian Country. Along these lines, the entire evaluation team felt that as soon as it was feasible, tracking the co-occurrence of other crimes highly correlated with alcohol abuse (domestic violence, child abuse and neglect, and a wide range of assaults, for example) would provide useful insight into the social impacts of improved strategies for countering alcohol-related crime. Findings would be further enhanced with trend data on victimization and hospital visits related to alcohol abuse. In sum, the best available data suggest significant progress against alcohol-related crime, but without additional data, these reductions should not be over-emphasized.

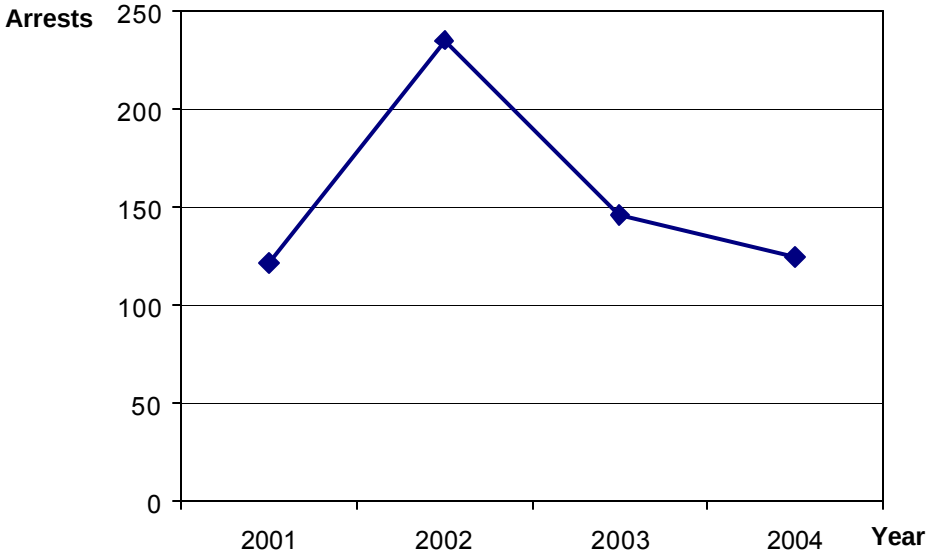
Family violence remains a matter of concern. Arrests for endangerment (Chart 3.4) and domestic violence between 2001 and 2004 did not decrease (Chart 3.5); rather, the trend appears to be closer to a "bump," with an increase from 2001 to 2002 but arrests settling at a level similar or slightly above the 2001 level from 2003 through 2004.

Chart 3.4: Arrests for Endangerment, Pueblo of Zuni



Source: Zuni Full Court output.

Chart 3.5: Arrests for Domestic Violence, Pueblo of Zuni



Source: Zuni Full Court output.

Even before these data emerged, both the Zuni CIRCLE steering committee and project coordinator expressed concern that several factors appeared to be hampering efforts to reduce family violence. Victim services programs found it difficult to secure safe havens for victims of domestic violence, and without a sheltering environment, many victims were unwilling to pursue prosecution. This result in turn discouraged police from doing all they could to follow up on complaints of domestic violence.

Perhaps more than other categories of crime, family violence requires a strong and comprehensive response from criminal justice and social service agencies. Tentatively, we conclude that a longer-term, even *more* comprehensive investment in systems strengthening and collaboration is required before progress on child abuse and neglect and domestic violence can be made.

We also note that the leadership of the CIRCLE effort at Zuni was increasingly alert to the victimization of elders—recognizing that the risk of abuse was high for all vulnerable members of troubled households, elders included. This is a significant issue in Indian Country, where the family unit frequently includes more than two generations of family members, and one that probably deserves more attention from researchers and policymakers.

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In summary, and as discussed further in Chapter 4, the investment in system functioning achieved by the Zuni CIRCLE Project was associated with several significant reductions in crime. Nonetheless, this is an early assessment, qualified by a number of concerns. The primary concern, shared by Zuni CIRCLE Project stakeholders as well as the evaluation team, is whether the political and financial support necessary for institutional change and continued action based on the promise of early CIRCLE achievements can be sustained. As the federal-level support

structure for CIRCLE dissipated (not just financial support, but the collaborative team with USDOJ that had made CIRCLE happen), the burden of sustaining CIRCLE moved to the local CIRCLE team. Sustaining CIRCLE's change efforts (and its gains) became a matter of the resourcefulness and creativity of local actors, working in an environment characterized by severely limited financial resources and dynamic politics—characteristics known to handicap long-term system change efforts. Thus, sustainability is an issue explored in considerable detail in the final chapter of this report.

Outcomes Evaluation Findings from the Northern Cheyenne Tribe CIRCLE Project

Overview

The Northern Cheyenne Reservation is located in southeastern Montana, near the border of Wyoming, abutting the eastern boundary of the much larger Crow Indian Reservation, and occupying over 800 square miles of relatively arid northern plains. Some 54 percent of the 7,900 enrolled tribal members reside on the reservation, and unemployment among these tribal citizens is high, with seasonal rates reaching 80 percent (Bureau of Indian Affairs 1999). High school dropout rates far exceed those in Montana overall, and enrollment in the Native nation's community college had been dropping in the late 1990s (Brimley *et al.* 2005).

Since the early 1990s, the Northern Cheyenne Tribe has participated in a number of ambitious, federally funded initiatives intended to strengthen the ability of key local institutions to prevent juvenile delinquency and crime, improve school success, improve family functioning, and connect youth to employment opportunities. The most prominent among these initiatives are the Risk Focused Prevention Project, the Indian Country Justice Initiative, and the CIRCLE Project. CIRCLE shared a number of emphases with earlier initiatives, including a focus on prevention, collaborative service strategies, and the promotion of community- and problem-solving policing.

The Northern Cheyenne CIRCLE partners intended to marshal their experience with earlier comprehensive efforts and the resources provided through CIRCLE to continue strengthening the tribe's justice system. Their priorities—tied together by a strong emphasis on reducing youth crime and delinquency—included the development a more full-bodied justice system and the integration of service planning and delivery. They invested in community policing, local responses to domestic violence, and youth services and corrections (through the construction of a juvenile detention center able to provide a wide array of culturally appropriate services for youth offenders).

The most noteworthy outcome of the CIRLCE Project for the Northern Cheyenne Tribes was bricks and mortar: with CIRCLE-generated funding, technical support, and information-sharing, the nation was able to build a sorely needed juvenile detention center. The facility incorporates Northern Cheyenne traditions, culture, and tribal aspirations for youth in its design and is an important tool for improving criminal justice system functioning.

Unfortunately, the project's other programmatic interventions did not coalesce into system change. The advantages provided by the tribe's substantial experience with and expertise in comprehensive strategies were counter-balanced by a number of persistent and daunting organizational, economic, and political challenges to CIRCLE implementation. The end result

was that a number of improved system performance and crime reduction goals eluded the federal and local partners working together at Northern Cheyenne.

Organizationally, one challenge was the difficulty of reorienting partners who had been part of prior initiatives to yet another set of federal priorities. Another was the perception (of both community members and field professionals) that reservation youth crime was so prevalent and so severe that even with CIRCLE funding, the problem might far exceed local resources and capacities. The economic challenges—sharpened by the U.S.-wide recession in the late 1990s and early 2000s—arose from severe constraints on resources. The tribe's worsening financial situation made it nearly impossible to gain tribal government support for CIRCLE Project sustainability, yet individuals' and families worsening economic situations meant that *even greater* CIRCLE investments would be necessary to improve the status and wellbeing of youth and families living on the reservation. Finally, the tribe's shifting political environment challenged the Northern Cheyenne CIRCLE Project's strategy of improving the status and wellbeing of youth through the full participation of a wide range of local actors, including social service providers, educators, and political leadership. Considering all of these challenges together, in fact, it would have been extraordinary if the significant criminal justice problems faced by the Northern Cheyenne Tribe could have been addressed within the relatively limited time span afforded by the CIRCLE Project.[20]

What Was Learned: Building a Research Methodology to Support Action

But this is not the full story about the CIRCLE investment at Northern Cheyenne. In the interest of making USDOJ's investment in evaluation research useful to the tribal community, the tribal CIRCLE coordinator, CIRCLE partner agencies, and project evaluators together developed a data-driven strategic tool box for responding to pressing local priorities in spite of the challenges to criminal justice system change.

As noted, one challenge the Northern Cheyenne CIRCLE partners faced was the perception that juvenile crime was so prevalent and severe that it overwhelmed the resources and capacities the nation was able to marshal to address the problem. Yet no one could speak to the accuracy of this perception. A larger, better resourced, and higher capacity jurisdiction could have turned to its criminal justice system MIS or to national data series. But Northern Cheyenne lacked these options. Poor information storage capacities (both electronic and physical), inconsistent participation in U.S.-wide data gathering efforts, other gaps in data (because of non-reporting, for example), mismatches in local versus federal information priorities, and limited inter-departmental communication and information-sharing meant that there were no readily available data with which to confirm the actual extent and character of juvenile crime at Northern Cheyenne.[21] Certainly, *some* information existed, but it did not present a clear enough portrait of

[20] We note in the process evaluation report and again in Chapter 4 of this report that because of the prevalence of these kinds of challenges—even in non-Native settings—there is a growing trend among planners and funders of comprehensive community initiatives to extend their investment from two to three years to ten years or more.

[21] The situation is not unique, either in Indian Country (Wakeling *et al.* 2001), in non-Indian rural communities (Weisheit *et al.* 1994), or with regard to juvenile crime (Pritchard and Payne 2005); in response, Pritchard and Payne turn to five related but discrete data sources to construct a best-guess picture of the national juvenile drug-related crime problem in Australia, an approach that has affinity with the CIRCLE evaluation work at Northern Cheyenne.

local crime problems to direct action, so citizens' and policymakers' only option was to operate on impressions rather than fact.

Because of their interest in understanding the effects and potential of CIRCLE, the evaluation team wanted to look beyond perception. Their approach was to develop an alternative information-gathering strategy. It consisted of building a picture of the local juvenile crime problem using source documents such as incident and arrest reports, case files, arrest logs, and reports to funders and oversight agencies. In effect, the evaluation researchers became data and information "detectives." Two features of the team were significant in this process. First, the local evaluation partners (who were from the local tribal college) had specialized knowledge that helped move the work forward. They were familiar with the history of previous efforts to address juvenile crime and related social problems and were able to assist in locating applications and reports from these efforts that might prove useful. They also knew which system employees could lead the team to the data needed to build a relatively comprehensive and reliable picture of local criminal justice problems. Second, the team had sufficient cross-site experience in Indian Country criminal justice research to be able to construct an informal protocol for guiding the search effort. ("Let's find out where law enforcement stores its incident reports, and when we find them, let's roll up our sleeves and record the data they contain." "Let's find out who might be tracking probation completion—someone at the court, someone at the Boys and Girls Club?" "What might the court clerk be able to tell us about categories of court activity and its volume?" "Are there any public court records that we might collate into data series?" "Can someone in juvenile detention talk to service providers about how many clients they share?" And so on.)

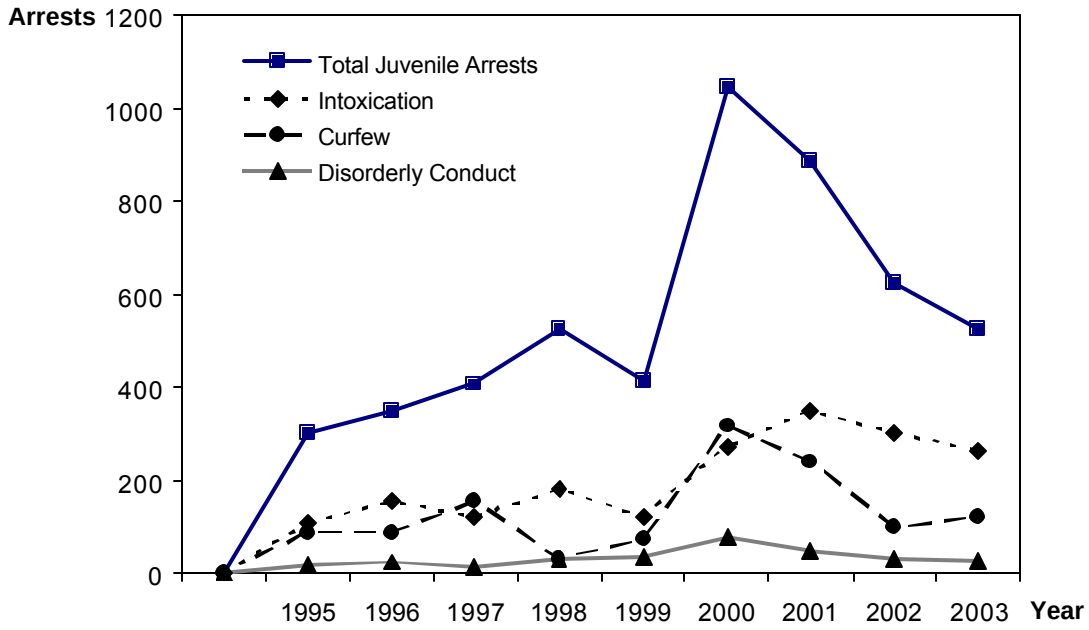
As the evaluation team collected and analyzed these data, two related observations emerged to suggest that youth crime, while serious, might be susceptible to practical, near-term, and affordable crime prevention strategies. The first observation was that the most common juvenile crimes were relatively low-level crimes such as public intoxication and curfew violations (Charts 3.6 and 3.7). These crimes were not ignored, but because they were frequent and widespread, capacity concerns meant that little was being done about them—especially in the face of the perception that serious crime was the more pressing problem. The data, however, showed that most of these crimes were committed by a relatively small number of offenders (Chart 3.8). Conceivably, at each point in the criminal justice process (law enforcement, prosecution, sentencing, rehabilitation, probation, and case management), resources could be focused on this relatively small number of highly active offenders and a substantial amount of crime could be prevented. In other localities, criminal justice research has supported this hunch (Braga *et al.* 2001, Sherman *et al.* 1998).

Chart 3.6: Juvenile Arrests by Northern Cheyenne Law Enforcement, Most Frequent Offenses by Year

Year	Total # of Offenses	Most Frequent Offense			Second-Most Frequent Offense		
		Charge	Number	Percent	Charge	Number	Percent
1995	301	Intoxication	109	36%	Curfew	87	29%
1996	349	Intoxication	155	44%	Curfew	89	26%
1997	407	Curfew	154	38%	Intoxication	122	30%
1998	526	Intoxication	181	34%	Order of Detention	47	9%
1999	415	Intoxication	120	29%	Curfew	75	18%
2000	1047	Curfew	316	30%	Intoxication	273	26%
2001	889	Intoxication	349	39%	Curfew	239	27%
2002	23	Intoxication	302	48%	Curfew	96	15%
2003	524	Intoxication	263	50%	Curfew	122	23%

Source: Northern Cheyenne Tribe Law Enforcement records.

Chart 3.7: Juvenile Arrests by Northern Cheyenne Law Enforcement, Most Frequent Offenses by Year



Source: Northern Cheyenne Tribe Law Enforcement records.

Chart 3.8: Repeat Juvenile Offenders at Northern Cheyenne, by Frequency of Arrest

ID Number	Number of Arrests in 2002
307	13
308	12
345	10
322	10
381	9
390	7
356	7
304	7
379	6
384	5
371	5
353	5
350	5
3104	5

Source: Northern Cheyenne Tribe Law Enforcement records.

The second observation focused on much more serious, violent crimes. Part of the challenge these crimes posed to the criminal justice system was the fear they generated in the community—fear that was amplified by the public's tendency to associate violent crime with the much more frequent low-level crimes.[22] The result was a popular sense that reservation crime problems were spiraling out of control. Yet the data showed that these serious offenses were relatively few and generated by just a few offenders. What's more, frequent low-level offenders were often on a trajectory toward more serious offenses—solidifying the conclusion that concentrating a relatively small number of juveniles had the potential to diminish both the frequency and severity of reservation crime.

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The approach used to gather data on system functioning at Northern Cheyenne is significant for several reasons. For one, it shows that even in the absence of more mainstream data series and data gathering opportunities, it *is* possible to locate sufficient data for constructing a sound, non-perception-based picture of reservation criminal justice problems. Researchers can gain this data-rich understanding of system operations by "digging in," and looking for information held by agencies and actors that can speak to system issues but haven't yet been used in that way (for want of time, lack of data consolidation, lack of information about how data gathered for one purpose might speak to other purposes, etc.).

[22] This observation is based on interviews with community members and on local news reports.

This is the second reason that the data gathering approach employed by the Northern Cheyenne evaluation team is significant: it helps researchers see where the bottlenecks are, what types of crime, justice, and related social and health problems place stress on the system, and what might change those circumstances. In other words, the information illuminates near-term strategies for addressing urgent local concerns—strategies that might be employed despite a dynamic political environment, continuing fiscal crises, and an under-developed criminal justice system.

If these strategies are implemented and successful, the near-term wins they generate pay off in numerous ways. They can build the morale and commitment of the partners involved in designing and implementing the change. They can build the habits of working as a well-functioning partnership. They can contribute to the community's sense that it is able to address pressing (political, social, economic, etc.) problems. They can inspire confidence that progress can be made on crime problems despite continuing shortages of financial resources. They can build political capital for longer-term systemic change efforts. The new juvenile detention facility at Northern Cheyenne is an emerging example of these possibilities: If it succeeds in bringing potential system partners together to provide "wrap around" (comprehensive and integrated) services for youthful offenders, the facility may catalyze further system building.

The truncated federal investment in CIRCLE prevented the Northern Cheyenne from testing these hypotheses about the way that less ambitious but effective changes can build the case for more thoroughgoing change. Nonetheless, research and experience from both Indian and non-Indian jurisdictions suggests that the approach of using clear data describing local crime and system operations problems to formulate local, near-term crime reduction strategies holds great promise. Especially coupled with the findings at the Oglala Sioux site, this outcome points toward a new paradigm for intervention in Indian Country criminal justice program and system functioning and new opportunities for successful investment in crime reduction in Native communities.

Outcome Evaluation Findings from the Oglala Sioux Tribe CIRCLE Project

Overview

The Pine Ridge Reservation, home of the Oglala Sioux Tribe, is located in southwestern South Dakota adjacent to the northern border of Nebraska. The main city on the reservation, Pine Ridge, is approximately two hours from Rapid City, South Dakota. The surrounding areas, including the Buffalo Gap National Grasslands and Badlands National Park, boast stunning natural features. About 40,000 Native Americans, mostly Lakota, live on the reservation. Both unemployment and under-employment are the rule rather than the exception, with rates as high as 85-90 percent (Bureau of Indian Affairs 1999). Shannon and Jackson counties, which encompass most of the reservation, are among the poorest in the nation.[23] Not surprisingly, chronic and serious social problems accompany this economic distress.

[23] See, for example, "250 Lowest Per Capita Personal Incomes of the 3111 Counties in the United States, 2005," at http://www.bea.gov/regional/reis/pcpilow.cfm, and "Lowest-income Counties in the United States," at http://en.wikipedia.org/wiki/Lowest-income_counties_in_the_United_States, both accessed August 31, 2007.

The severity of the social and crime problems on the Pine Ridge reservation, the volatile political environment, and the near collapse of the criminal justice system during the implementation of CIRCLE hampered the local partners' ability to make the kind of progress—either in terms of system change or in terms of crime reduction—envisioned by CIRCLE's federal architects.[24] Certainly, the CIRCLE approach is appropriate to a number of different contexts, because it (ideally) limits external prescription and supports communities in self-identifying needs and comprehensive processes for meeting those needs; Zuni's experience shows that there is scope for these opportunities to pay off in Indian Country. But CIRCLE and other, similar concepts for intervention to combat the interlinked community problems of crime, violence, substance abuse, and juvenile delinquency assume that a number of threshold conditions are in place. These include relative political stability, soundly functioning institutional partners, and manageable crime problems—threshold considerations that were absent at Oglala Sioux, were absent in part at Northern Cheyenne, and in fact, are absent in part or in whole in *numerous* tribal communities.

Many of the opportunities USDOJ offers Indian Country implicitly compare (and equate) Native communities with non-Native communities in the U.S. But even non-Native rural or ethnic communities in the U.S. do not experience the political, institutional, economic, and social problems that Indian Country does to the same degree. Because of this, a more apt comparison is to developing nations. In that setting, the need to make sense of a seemingly chaotic environment, to sift through competing and urgent priorities to identify starting points for change, and to work to unite partners otherwise enmeshed in conflict around a common agenda are more often the norm. The critical contribution of CIRCLE at Oglala Sioux was to identify a potential roadmap that the community might use to address these demands in the service of long term change. This is a remarkable achievement, and its similarity to the findings at Northern Cheyenne points toward the value in continuing to refine and test the overall approach to research and action identified by CIRCLE evaluators.

What Was Learned: Building a Research Methodology to Support Action, Take 2

CIRCLE evaluation research at Oglala Sioux began by investigating the intensity and character of the challenges that confront system-change leaders. On the surface, these descriptors are discouraging, but closer contextual analysis reveals potential starting points for reform. The paragraphs below identify and briefly describe some of the key system breakdowns at Oglala Sioux and introduce the corresponding opportunities for system improvement that analyses of these problems and challenges reveal.

Challenge 1: High personnel turnover in local criminal justice agencies handicaps efforts to set a long-term agenda for system strengthening or reform. This is a common challenge for police departments and criminal justice agencies striving to function in volatile political contexts. Substantial (and therefore debilitating) staff turnover reduces institutional memory and learning and results in inexperienced and under-trained staff at all organizational levels. At Oglala Sioux, the problem had these characteristics:

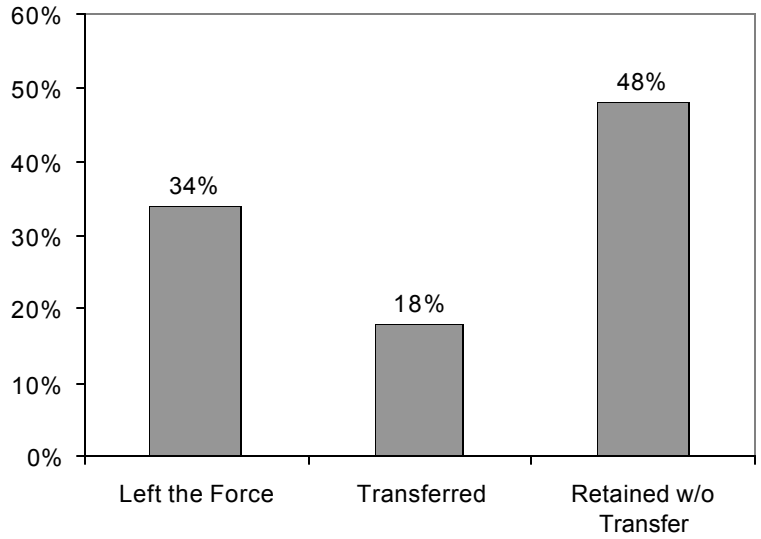
[24] The evolution of CIRCLE at Pine Ridge is discussed in detail in the CIRCLE process evaluation report; here we highlight just a few of the most formidable challenges that local actors faced in attempting to plan and implement system change.

- From 1998 through 2003, there were 17 chiefs of police for the Oglala Sioux Department of Public Safety.

- From September 2002 through October 2003, 84 percent of the department's headquarters staff turned over (where turnover includes both voluntary resignations and terminations).

- Also from September 2002 to October 2003, there was a 34 percent turnover rate among line officers (Chart 3.9). Since another 18 percent of line officers were transferred between service areas, reservation residents actually experienced a 52 percent turnover rate. Thus, the costs of turnover included not only diminished institutional memory and an overabundance of inexperienced personnel but also the deterioration of community relations.

Chart 3.9: Police Force Stability at Oglala Sioux, September 2002-October 2003



Source: Oglala Sioux Tribe Department of Public Safety records.

While personnel turnover is a substantial challenge, articulating it clearly (as the data do) helps concentrate thinking on a solution. One possibility is a "cornerstone fix," in which a foundational element of the system is changed, with the aim of building broader, farther-reaching change upon it. For example, an effective change in the police chief position at Oglala Sioux might lead to more consistent executive leadership, the identification of feasible institutional fixes to headquarters and line staff turnover, and a process of building durable support between rival political factions for reduced turnover.

Support for this idea comes from the fact that police officers at OST often reported an appreciation for the "buffer" that working under federal rather than tribal authority provided when they were required to make arrests or engage in other activities that made them vulnerable to political reprisals. In the long term, they felt that responsiveness to local priorities was among the many important reasons favoring local control of policing, but in the short term, while the

tribe's political situation was volatile, the impartiality afforded by a buffer from political reprisals enabled them to perform their duties better. Thus, stemming the personnel turnover that arises from political involvement in police work goes a long way toward making the department more effective against crime and more supportive of local, non-BIA control. It might also stabilize other police and criminal justice system functions (such as the submission of arrest reports to criminal investigators and tribal prosecutors, officers' participation as witnesses at trials, police referrals to victims services, and police assistance with the monitoring of probationers) through better retention of knowledge about the procedures and lessened fear of reprisal for taking such actions.

Challenge 2: The functional connections among public and private agencies in the system are not well-developed. This is a typical characteristic of developing countries with limited resources and widely variable levels of organizational development within government and civil society. As a result, some agencies migrate onto terrains that would not otherwise be a good match for their organizational attributes, while other agencies atrophy. At Oglala Sioux some of the signs of this dynamic were:

- *Significant gaps in the processing of cases from arrest to investigation and prosecution.* In some instances, cases were not passed along because record-keeping systems were in disarray; in other instances, earlier links in the chain lacked the motivation to send cases forward because they were wary of doing so or felt that the receiving entity would do nothing with them anyway. Case attrition became so significant that those arrested did not feel compelled to attend hearings or otherwise respond to law enforcement agencies or the courts—they simply waited for their cases to "go away," and cases did so with a high level of predictability.

- *Significant variation in the disposition of otherwise similar cases*. For example, citations and penalties for public intoxication were dealt with inconsistently (was public intoxication a crime or not? who collected the fine, the police or the courts?) and sometimes inequitably (a fine or jail?), practices that damaged the credibility of the police and the courts.

- *Private agencies were supervising probationers without an apparent authorizing paper trail.* These agencies supervised as many as 500 probationers, yet the evaluation team was unable to find operating agreements between the tribal government and/or the tribal court and the agencies. Nor were they able to identify documents connecting the court's deliberative process to these probationers' dispositions.

There are a number of opportunities revealed in these challenges. It might be fairly straightforward, for example, to work with a wide variety of stakeholders to identify an appropriate fine schedule for public intoxication and map out consistent policies and procedures for imposing the fines. Another opportunity would be to make a targeted response to the concern that cases were lost from one step to another in criminal justice process. A potential fix might begin with a single priority crime or crime category, with law enforcement, criminal investigators, prosecutors, and the courts tightening system functioning around that priority. If successful, these sorts of narrowly focused and near-term improvements might also improve

community perceptions of system efficacy and fairness—important early steps in a broader system change effort.

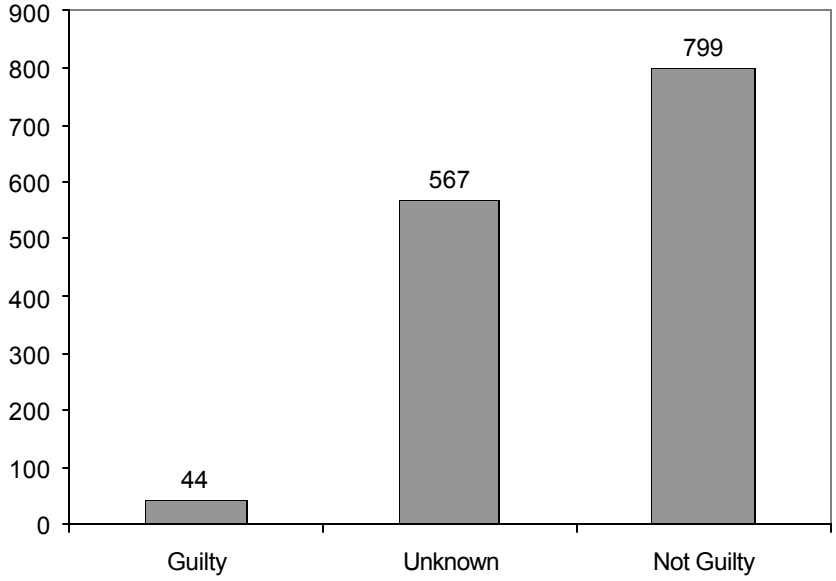
Challenge 3: Weak administrative support capacities stymie the development of data relevant to improved system functioning. The impacts of high turnover, limited operational resources, and even corruption are evident not only in the prosecution and disposition of crimes but also in valuable, but seemingly mundane, administrative functions. The evaluation team found ample evidence of information gaps left by weak administrative support capacities:

- More than 10 percent of the Pine Ridge Court's 2002 case files could not be found.

- A review of the extant court files for 2002 found that in over 40 percent of all cases, the pleading (or resolution) of the case was unknown (Chart 3.10). While many of these cases concerned public intoxication, an offense that does not require a plea under tribal law, there was still a significant number of unknown pleas. Without this information, it is difficult to assess the relative severity and range of crime problems the community faces.

- Policies and procedures guiding patrol functions and other important agency and system functions were missing key documents or were out-of-date when compared to current recommended practice by relevant oversight institutions.

Chart 3.10: Pleadings in the Oglala Sioux Tribe Pine Ridge Court, 2002 (n=1410)



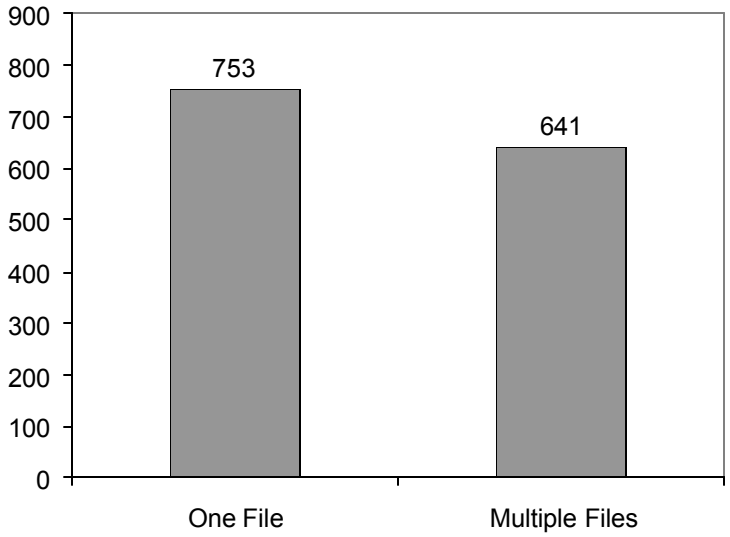
Source: Oglala Sioux Tribe Department of Public Safety records.

The Oglala Sioux CIRCLE Project evaluation team mapped these administrative problems in a detailed, comprehensive manner. The exercise revealed that relatively simple record-keeping

improvements could readily address a number of problems. Once again, it might be possible to assemble intra-agency stakeholders to identify appropriate means for improving information management and to chart a course for implementation and positive change.

In fact, the local evaluation team's work provides an example of the possibilities. The court records database developed by the team not only highlighted the data management issue but suggested that a small group of offenders was responsible for a disproportionate number of crimes (see Chart 3.11). These data, which echo the findings at Northern Cheyenne, imply that a system-wide focus on a few high-frequency or high intensity offenders might have a significant payoff in terms of crime prevention and reduction. Alternatively, the focus could be on a particular group of offenses. Either way, the system's limited law enforcement, investigation, prosecution, correction, rehabilitation, probation, and case management resources could be concentrated on deterring highly active offenders and priority offenses rather than applied scatter-shot to the broad spectrum of crimes that the community experiences. If successful, this kind of narrowly focused strategy could have two important results. It might forge systemwide functional links, which are key to implementing a longer-term system strengthening agenda. And, it might produce a near-term reduction in crime, which would build support for a longer-term agenda by improving the morale of participants and by demonstrating the efficacy of more thoroughgoing system change.

Chart 3.11: Number of Case Files Generated by Single and Repeat Offenders, Oglala Sioux Tribe Pine Ridge Court, 2002



Source: Oglala Sioux Tribe Department of Public Safety records.

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As we consider the Oglala Sioux case, there probably is not an acceptable long-run alternative to investing in system improvement—a community's security function is essential and all the more critical to a community struggling to improve the status of its residents. The pressing question is

not *whether* the investment is made but *how* it is made and *where* it is directed. The CIRCLE Project outcomes evaluation was useful in illuminating practical and affordable potential starting points for a long-term system reform and strengthening agenda at Oglala Sioux.

More generally, the work at Oglala Sioux helped solidify several other lessons and conclusions from the CIRCLE Project:

- It helped define a set of guiding principles (presented in Chapter 4) for assessing the challenges confronting tribal criminal justice systems and for designing a response to them. In particular, it reinforced the idea that the process must begin with a substantial initial investment in assessing the local context—given the constraints and demands that characterize criminal justice system operations in Indian Country, this is the only thing that can reveal a community's best opportunities to kick-start change.

- It helped flesh out what a successful research and evaluation partnership in Indian Country might look like and the methods such partnerships might employ to help local actors formulate and implement plans for improving the performance of criminal justice (and related social service) systems.

- In combination with the findings from Northern Cheyenne, it suggests that there may be a whole set of change strategies that have been inadequately explored and tested in Indian Country. For example, the strategy of focusing on high frequency offenders may deserve more ambitious and more structured study in still other Native nations.

CIRCLE's Ability to Enhance the Flow of Fiscal Resources

Knowing that Native nations face persistent and often severe under-resourcing in the criminal justice arena, enhancing the flow of funds to tribes—at least in the short run—was one of the federal partners' primary goals for CIRCLE (Brimley *et al.* 2005). Chart 3.12 helps assess whether they met this goal. It compares the funding each demonstration site received under CIRCLE to the funding two *roughly similar* tribes received from the same federal agencies during the course of the initiative.[25] The data show that the CIRCLE tribes did benefit from significantly enhanced revenue streams over the implementation period: each received from 40 percent to 400 percent more funding, in total, from the federal agencies participating in CIRCLE than did their comparison communities. The efforts of these agencies to streamline and accelerate the funding process for tribal participants appear to have been remarkably effective.[26]

[25] Comparison communities were selected collaboratively by the tribal, federal, and evaluation partners, based on considerations such as geography, population size, culture, and law enforcement challenges.

[26] Of course, this is an illustrative comparison, *not* solid evidence of the ability of CIRCLE to increase the flow of needed financial resources to tribes. While the selected comparison tribes share some features with the CIRCLE tribes, this analysis is retrospective and can be challenged on several grounds. Also see note 8.

Chart 3.12: Investment Comparisons between CIRCLE and non-CIRCLE Tribes, 1998-2003

	BJA	COPS	OJJDP	OVC	OVW	Row Total
CIRCLE Tribe						
Northern Cheyenne	$10,840,598	$645,683	$666,036	$251,840	$1,216,869	$12,446,026
Comparison Tribes						
Fort Belknap	$1,183,787	$2,878,334	$4,358,234	$0	$1,139,580	$9,559,935
Blackfeet	$1,121,909	$3,320,754	$338,877	$615,889	$200,000	$5,597,429
CIRCLE Tribe						
Oglala Sioux	$24,894,555	$10,602,158	$425,082	$848,418	$3,342,358	$40,112,571
Comparison Tribes						
Rosebud Sioux	$11,029,429	$1,520,726	$939,156	$0	$2,608,098	$16,097,409
Fort Peck	$2,859,556	$8,405,753	$504,130	$70,333	$323,715	$12,163,487
CIRCLE Tribe						
Zuni Pueblo	$9,093,444	$1,623,695	$615,000	$121,000	$2,217,027	$13,670,166
Comparison Tribes						
Taos Pueblo	$393,932	$1,757,885	$715,328	$108,889	$256,596	$3,232,630
Laguna Pueblo	$19,922	$816,542	$500,000	$421,158	$323,162	$1,606,384

Source: Office of Justice Programs, special tabulation.

While increased resources are neither synonymous with long-term system change nor of equal value to measurable reductions in crime and other social ills, they do play an important role in building Native nations' capacities to address important criminal justice problems in a comprehensive and sustainable manner. For example:

- An increased flow of resources (more resources, obtained more easily and more quickly) can be useful in building the morale of local change agents and in building political support for change efforts. Choruses that "we will never see the funds promised to us based on all the work we have done" are a frequent and major dampener of change efforts and are all too familiar to the champions of change. At least in the implementation years, CIRCLE successfully limited such nay saying.

- New correctional facilities, management information systems, and the expansion of seriously understaffed police departments are costly but often necessary prerequisites to improving system performance. What's more, the funding, development, and construction of new facilities and technologies often takes several years, making the goal of modernizing criminal justice system functioning elusive to all but the most determined and well-resourced tribes. For the

> participating tribes, CIRCLE resources provided a way over these barriers: they supported the development of major infrastructure components of the tribes' criminal justice systems (including correctional facilities, management information systems, and improved communications technology). What's more, by the close of the evaluation, evidence was emerging that these investments were supporting progress on critical issues. For example, new correctional facilities were helping all the CIRCLE tribes solve problems stemming from unacceptable conditions of confinement, and new emergency response technology was changing Zuni Pueblo's capacity to address life-threatening situations and natural disasters.

But this is not to say that money was the only significant input. In the report on Phase I of the CIRCLE Project evaluation, we stressed the importance of the federal agencies' efforts to build an interagency problem-solving team and to engage in a learning partnership with the CIRCLE tribes. With regard to the flow of funds, these commitments were evident in the federal representatives' efforts to guide their tribal counterparts through the intricacies of the federal funding process (especially appropriations processes and grantmaking regulations) and their work to reduce the red tape involved in securing funds.

Money alone would have been less useful. The broader results of the federal commitments to learning, partnership, and service were stronger working relationships between the CIRCLE tribes and the federal government, a smoother path toward project implementation, more fruitful site-based work, and goodwill for ongoing collaboration (including the collaboration necessary for the evaluation). Notably, these outcomes not only speak to the success of CIRCLE but also suggest that replicating the commitments in other areas of mutual concern could be valuable; securing borders and acting on important regional crime problems (the problem of methamphetamines that is swamping rural areas, for example[27]) are just two important examples.

[27] See, for example, Sarah Kershaw, "Drug Traffickers Find Haven in Shadows of Indian Country," *New York Times*, 19 February 2006, and Sarah Kershaw, "Dizzying Rise and Abrupt Fall for a Reservation Drug Dealer," *New York Times*, 20 February 2006.

Chapter 4

Putting Together the Pieces: A Discussion of CIRCLE Project Evaluation Results

Evaluation of the Comprehensive Indian Resources for Community and Law Enforcement Project suggests that the initiative was a valuable evolutionary step in federal and tribal partnerships to address crime and related social problems in Indian Country. CIRCLE's most distinctive components included a focus on *comprehensive* criminal justice system change, a learning process to which all the CIRCLE partners committed themselves through the participatory evaluation, and the federal partners' efforts to build an interagency problem-solving team. As made evident in the first phase of evaluation, which focused on process, these components helped the participating Native nations consider how the *range* of resources encompassed by tribal criminal justice systems might be better employed to address pressing crime and social problems.

The second phase of evaluation, focused on outcomes, clarified the promise in and constraints on comprehensive criminal justice system change in Indian Country. In particular, it pointed to these 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, promotes safety, and reduces crime. If successful, these ideas may in turn build support for more wide-sweeping reform. Participatory evaluation partnerships—a form of participatory data gathering and analysis—proved a fruitful means of identifying these opportunities.

- Sustainability is a formidable challenge, 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; local partners often are able to identify planning considerations and institutional design features that promote sustainability; unfortunately, CIRCLE's short timeline foreclosed opportunities to put these design features to work.[28]

[28] We loosely define sustainability as the ability to maintain a change effort over an extended period (years or even decades) and as the ability to sustain the supply of needed resources (funds, technical assistance, political support, etc.) to an already well-developed criminal justice system.

The discussion that follows draws together the strands of learning from both the process and outcomes evaluations, and is structured around two themes: (1) the benefits that arise from organizing tribal criminal justice system components and functions around clearly defined short- and long-term crime prevention and control goals; and (2) the benefits that accrue from investments (funding, technical assistance, etc.) that create working partnerships among tribes, federal agencies, and other institutions and agencies and build the capacity of those partnerships.

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

The products of the CIRCLE efforts at the Pueblo of Zuni over the course of the two phases of evaluation suggest that, in the right circumstances, investments in strengthening and improving criminal justice functioning can produce reductions in crime. As noted in the preceding chapter, 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 no less daunting but more specific goals of reducing assault, alcohol-related crime, and family violence (child abuse and neglect and spousal abuse). At the time of CIRCLE's implementation, these were pressing and longstanding issues for the tribe. Yet they were balanced by strengths, including a relatively stable political environment and a robust set of traditional cultural beliefs and practices, characteristics that strengthened the community's capacity to respond to challenges; these are some of the most important "right circumstances" referenced above.

The Zuni CIRCLE partners' efforts to strengthen system functioning were geared toward the creation of a comprehensive local strategy to achieve their limited set of well-defined goals. That is, the local CIRCLE partners worked to develop a plan—complete with theoretical justifications (in essence, a logic model)—that linked the programs and activities they were investing in to their goals. The process involved setting out goals in clear terms and utilizing community values and norms, local experience, and research-based knowledge to identify and implement a portfolio of strategies, programs, and related activities that would help the partners make progress toward them. Broadly speaking, these activities included *increasing the system's capacity to provide prevention and early intervention services* (especially with regard to at-risk youth and family violence), and *strengthening the performance of key system components* (by increasing the size of the police department and improving officer training, for example). Markers of progress were specified as follows:

- Reduce arrests for aggravated and simple assault by adults and juveniles—as measures of reduced community violence.

- Reduce arrests for crimes related to alcohol abuse (including public drunkenness, illegal possession of alcohol by a minor, and driving while under the influence of alcohol)—as measures of success in addressing alcohol-related violence.

- Reduce arrests for endangering the welfare of a child and for domestic violence—as measures of reduced family violence.

The implementation of CIRCLE-related system building and strengthening efforts was by no means complete by the beginning of the outcomes evaluation period (which began in 2001).

Indeed, even before the full CIRCLE strategy was implemented at the Zuni site, some important funding streams and related supports for project work began to wane. However, a number of key components were in operation, including improvements in police department size and training, new youth development programs, and a number of measures designed to respond to family violence. Briefly, over the evaluation period, changes correlated with these CIRCLE-motivated system building and strengthening efforts were:

- *Community violence as measured by arrests for simple assault declined dramatically*. Arrests for simple assault dropped from just over 200 arrests in 2001 and 2002 to only 94 arrests in 2004. The arrest rates for aggravated assault and for assaults by juveniles also dropped, though the trends are not as clear.

- *Arrests for important categories of alcohol-related crime dropped*. In particular, arrests for public drunkenness and driving while under the influence of alcohol dropped by approximately 40 percent from 2001 through 2004.

- *Family violence remains a matter of concern*. Arrests for endangerment and domestic violence between 2001 and 2004 did not decrease; instead, the data series shows a "bump," with arrests increasing from 2001 to 2002 then settling at a level similar to or slightly above the 2001 level from 2003 through 2004.

However encouraging, we continue to caution that the observed decreases in crime are not necessarily attributable to CIRCLE. In order to be more confident of that conclusion, more information would be needed, including longer data series, corresponding victimization data, better baseline data (trend data prior to the start of CIRCLE and its evaluation), and a wider band of data on alcohol abuse (including health data), family violence (reports of abuse and neglect) and outcomes for youth (school-related data, for example). The causal connection between CIRCLE efforts and targeted crime reductions is best characterized as a "working" conclusion based on the data available to practitioners and analysts during the outcomes evaluation.

This caveat aside, two features of the Zuni CIRCLE effort did seem to play an important role in improving the capacity of the tribe's criminal justice system to respond—as a system—to crime. The first of these is Full Court, a management information system primarily designed to support court-related case management (by tracking pretrial preparation, court dispositions, and sentence fulfillment). It helps ensure that responsibilities for managing cases within, across, and even beyond the component agencies of the criminal justice system are fulfilled. While Full Court presented a substantial implementation challenge, it has the distinctive characteristic of being a direct investment in *system* (as opposed to agency) functioning: planning and implementation encompassed not only the Zuni tribal court, but also law enforcement, other criminal justice actors, and agencies beyond the formal boundaries of the criminal justice system (child welfare, for example). Though Full Court does not yet connect all of these actors, Zuni CIRCLE Project planners envisioned an information infrastructure that would: (1) help organize the activities of this wide range of local partners around mutually agreed upon goals; and (2) and support the collection and analysis of data useful for tracking progress against those goals and refining the approaches necessary for ongoing progress. In sum, Full Court is emblematic of the Zuni CIRCLE leaders' effort to address the question, "What do we need to do in order to improve our ability to work together?"

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 (reducing specific crime categories). The planning process that led to this logic model wasn't necessarily a highly structured or formal process. Instead, our interviews with local partners suggest that they engaged in an ongoing and often intense conversation—in a variety of formal and informal settings, including planning meetings, *ad hoc* brainstorming sessions, and trainings—that focused on questions such as: Is this the right set of goals given the needs of our community? Given our goals, what's missing in this strategy? Why do we think these programs will work? Do these programs present a good fit with our culture and values? What could be done to make these programs more effective? How will we measure this? In other words, the architects of the Zuni CIRCLE Project consciously and deliberately incorporated community norms and values, local experience, and research on "what works" as criteria for determining the programs and activities in which they would invest. This iterative process permitted reflection and inclusion while also demanding discipline around hard choices about where and why the Native nation would invest its limited resources. The product was a set of mutually supportive programs and activities that had a logical strategic connection to a set of clearly defined and measurable crime reduction goals.

Identifying a Viable Action Agenda: The Experience of the Oglala Sioux and Northern Cheyenne Tribes

At Northern Cheyenne and Oglala Sioux, the evidence of CIRCLE's success is less direct than at Zuni. Indeed, cynical observers might suggest that the initiative "failed" at these sites because it did not coalesce into overarching system change.[29] That is not our conclusion. Rather, we find that the CIRCLE Project—and particularly the evaluation component—generated concrete ideas about how best to proceed against immediate criminal justice concerns so that, ultimately, long-term system change might be achieved. These ideas are both methodological and programmatic, as they suggest new ways of collecting data (that are at once ambitious and absolutely critical for a true understanding of local crime problems) and new ways of using those data to address pressing crime concerns.

The participatory research approach was the source of these new ideas. Full participation in the evaluation research allowed the tribal partners to voice their strong preference for usable knowledge. A relatively generic inputs, outputs, and outcomes evaluation model could not really help them learn from or build on the experience of the CIRCLE Project or CIRCLE Project evaluation. Instead, they were eager for data that could support the development of an action agenda with the potential to produce tangible, near-term benefits for their communities. Yet at neither site was there data available from conventional criminal justice data sources with which to assess the impact of CIRCLE or to develop an action agenda. Ultimately, the evaluation teams at Northern Cheyenne and Oglala Sioux turned to less conventional data sources in order to produce the desired evaluation and assessment data. They found and searched old arrest logs, case files, departmental reports, and other agency files and documents, and used these original data to hand-assemble portraits of important criminal justice activities and functions (such as

[29] In addition to the response in the text, we note that at both sites, new correctional facilities, built with CIRCLE-related funds, were important additions to the nations' infrastructure and to their capacity to address crime.

responses to calls for service, arrests, investigations, and the prosecution of cases). At Northern Cheyenne, the product was a problem statement illuminating a strategic opportunity to address youth crime. At Oglala Sioux, the data search pointed to efforts that might build basic functional connections between key components of the criminal justice system. In this sense, the products of CIRCLE and the CIRCLE Project evaluation were nubs of opportunities to strengthen core criminal justice functions.

Expanding on the Northern Cheyenne example, it appears the lack of data led to a misassessment of the community's crime problems. Despite a number of pre-CIRCLE efforts to address juvenile crime, the perception among both professionals and community members was of a problem so severe and so widespread that it threatened to outstrip the tribe's criminal justice capacities. As the evaluation team collected and analyzed the data, however, two observations emerged that suggested that youth crime, while serious, might be manageable with available resources.

First, the team observed that the most common juvenile crimes were not serious crimes, but low-level offenses such as public intoxication and curfew violations, many of which where committed by a handful of high-frequency offenders. Capacity concerns meant that little was being done about them, especially given the view that serious crime was the more pressing problem. Second, the team calculated a lower-than-anticipated violent crime rate and observed a similar concentration of serious offenses among a few offenders. Thus, the challenge violent juvenile crime presented to the community was less one of frequency than one of fear—fear that was amplified by a community-wide tendency to associate violent crime with the much more frequent low-level crimes.

A rich set of opportunities and strategic options emerge from these difficult-to-gather, but detailed and descriptive data:

- At each point in the criminal justice process (from law enforcement to rehabilitative services) available resources could be focused on a relatively small number of highly active offenders and a substantial amount of crime could be prevented.

- When viewed through the lens of tribal norms and values, crimes (especially alcohol-related crimes) committed in important public spaces (in front of stores, in parking lots, near schools and playing fields, and so on) contribute markedly to the perception that the community is unsafe and plagued by violence. Averting these crimes enhances tribal community life and reduces the fear of crime.

- As frontline staff and executive leadership across tribal criminal justice institutions and agencies work together on a successful effort, the rationale for working together is reinforced.

- The ability to work together to produce strategic wins can influence potential investors and attract political support for more ambitious efforts at system change.

The more difficult strategic environment at Oglala Sioux suggests a different set of options. But even when—and some observers believe *especially* when—systems are in chaos, and managers and frontline staff must address crisis after crisis, data can help center their attention on a long-

term "rebuilding" agenda. In the midst of disarray, a data-rich portrait of system functioning can help change agents identify starting points for system improvements and remain focused on those activities as elements of a larger process. At Oglala Sioux, potential starting points include tightening the nexus between arrests and prosecution, taking steps to stem turnover in the police department, and developing more consistent strategies for addressing public intoxication.

While the opportunities uncovered at Northern Cheyenne and Oglala Sioux are quite different, the methodological approach the evaluation teams used to draw them out were quite similar. In both cases, the researchers became effective data detectives, seeking to identify and knit together multiple, incomplete data strands into a single coherent picture. Considered together, the CIRCLE evaluation teams' experiences suggest guidelines for collecting and analyzing data in other tribal settings:

1. Evaluators must be prepared to immerse themselves in the local context. This kind of investigation requires researchers to learn as much as possible about system operations, so that they know how and where to conduct data searches. Immersion helps this learning process. But immersion also refers to taking the time to follow-up on data leads (even potentially unpromising ones) and to undertake mundane tasks (sorting through court and law enforcement records and hand-assembling data sets, for example) as necessary for the construction of a clear data portrait of system operations and problems.

2. The engagement of local, community-member evaluators greatly aids the immersion and search process. Local researchers understand the local context and have working relationships with the custodians of case files and similar data sources. Participatory research partnerships are an extremely useful means of engaging local evaluators; done right, the process puts local researchers in the drivers' seat and allows them to rely on external researchers for certain time-consuming data collection tasks, training and consulting, report drafting, etc.

3. Informants from across the political spectrum (and maybe from on and off the reservation) can be helpful. A broad base of information and opinions provides a balanced framework for interpreting the political implications of data.

4. The analysis of data and information should focus on improving institutional and system performance, not on individual culpability. The general orientation should be *prospective* (what do these data suggest about next steps?) rather than retrospective (what went wrong and who's to blame?). A retrospective investigation may stymie investment in the change process and prevent progress toward the goal of a stronger system.

5. Relevant "what works" literature can aid in the analysis and interpretation of tribal criminal justice data. While a given Native nation's experience may not match the experience and findings from other communities, this external information may at least provide new insights on how to think about the nation's data. It may even confirm tribal findings and point researchers, planners, and managers toward promising strategies for change. For example, the notion that repeat offenders contribute disproportionately to crime has been proven across a variety of jurisdictions; it is worth learning how those jurisdictions acted on their knowledge.

6. Assessment and evaluation partnerships should be initiated at the beginning—and extend throughout—criminal justice system improvement projects. Because these data and information portraits reveal a variety of strategic opportunities (starting points, potential near-term wins, activities that promote progress toward long-term goals, etc.), they are not simply a way to measure what has been accomplished, *but a means of determining what to do in the first place*. For example, change agents and funders can use them to decide whether circumstances are right for a thoroughgoing CIRCLE-like process or if a narrower and more modest intervention makes more sense.

7. The information gathered should describe local crime problems and create a complementary picture of system functioning. An understanding of the relationship between crime problems and system functioning is often first step in crafting a strategy—be it narrow or broad—for performance improvement and system change. A simple template for mapping system functioning would include the following:

- *Operational considerations.* There might be something operational wrong with one or more components of the system (individually or as they work together). For example, due to a lack of good training or critical equipment (such as patrol cars, communications technology, or computer systems), the investigative or patrol functions may not work.

- *Resource considerations.* The system—or one or more components or functions in the system—may be "starved" for fiscal resources.

- *Political considerations.* The system could be subject to corruption, political interference, or intimidation.

- *Design considerations.* The design of the system could be wrong for the challenge the environment presents. For example, one form of policing might be needed to restore order in a politically volatile environment, whereas a very different form might be more appropriate when no such threat is present. Similarly, we note the necessity of matching system design to the local culture (Heymann 1995, Wakeling *et al*. 2001).

These guidelines are aimed at helping Native nations craft viable, local-evidence-based action agendas. Certainly, the broad contours of this approach echo the best-practice advice in both the Indigenous community development literature (see, for example, Cornell and Kalt 2007 and Helin 2006) and the literature on successful community change initiatives (see, among others, Auspos and Kubisch 2004). 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—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.

Sustaining Improved System Performance

The returns on the investment in CIRCLE are notable. The initiative led to an undeniably stronger criminal justice system at the Pueblo of Zuni, generating evidence that in a ready environment, a coordinated, comprehensive approach to tribal criminal justice system change can result in a better organized and more effective response to crime. At all three demonstration sites, the initiative also generated evidence that, with patience and diligence, a wide-ranging, rock-overturning data gathering effort can result in an informational picture that points to both near-term responses to pressing justice concerns and longer-term strategies for comprehensive system change. A fruitful role for external researchers is to aide in the data gathering task.

The counterpoint to these achievements is each site's struggle to sustain momentum toward long-term goals. Funding was one aspect of the struggle. Even before the federal spending on CIRCLE ended, the participating tribes expressed concern that a three-year investment period was too short. The site coordinators and their local evaluation partners reported that reductions in CIRCLE-related funding weakened forward-looking efforts, eroded of hard won achievements, and caused political momentum to wane. There were other aspects to the sustainability struggle as well, including shifting tribal politics, immediate criminal justice crises, and changes in staff and program priorities.

The CIRCLE tribes are not alone in their experience: criminal justice system strengthening efforts face sustainability challenges everywhere. For example, spikes in urban crime lead to demands to "do something about it!" Often, the specific demand is for more police and more jail and prison space.[30] By comparison, ongoing investment in system strengthening—even though it *is* aimed at reducing crime—seems an anemic response, and its sustainability is threatened. Yet the pressures on sustainability seem more formidable in Native communities than elsewhere, perhaps because they tend to occur in combination. It is not uncommon for a Native nation to simultaneously experience complex and volatile politics, severe crime problems, inadequate law enforcement, and problems related to unacceptable conditions of confinement (Juan-Saunders 2004, Minton 2004, Wakeling *et al.* 2001).

Given the challenge of sustainability (and the discouraging fact that without it, short-term investments amount to little more than short-term jobs programs), a significant additional finding of the CIRCLE Project evaluation is that sustainability is achievable. This section, which is based on extensive discussions with tribal and federal partners in the CIRCLE effort, provides detail on how. While CIRCLE's short timeline foreclosed opportunities to test many of these ideas, they provide important insights for future tribal and federal investments in improving the performance of Native nations' criminal justice systems.

[30] The recent efforts of the police chief and sheriff in Los Angeles to gain an increment in the local sales tax that would underwrite an increase the size of their respective departments is just one example of the tremendous pressure to increase force size in response to crime rates. The current chief of the Los Angeles Police Department, Bill Bratton, who achieved great progress against crime during his tenure as Chief in New York City, has stated repeatedly that his efforts to achieve similar reductions in Los Angeles are handicapped by the small size of the department relative to the size of the area policed and the population served (Bratton 2004, Nash 2005). For evidence of similar pressures on jail and prison construction, see Harrison and Beck (2006), which provides a summary of incarceration trends.

Nation Building is Crucial to Sustained Criminal Justice System Strengthening Efforts

Most tribes face major social and economic challenges (Harvard Project on American Indian Economic Development 2007, Taylor and Kalt 2005), and as a result, they are deeply concerned about building safer, healthier, and more prosperous communities. Significantly, the tribes that have been the most successful in moving toward their social and economic goals are those engaged in "nation building" (Cornell and Kalt 1992, 1998). In these nations, tribal leaders and citizens have a proactive view of government: they see it less as an administrative entity (as a funnel for funds, services, jobs, and other resources to tribal members) than as the primary vehicle for moving, in a systematic and organized way, toward their goals (Cornell, Curtis, and Jorgensen 2003, Cornell and Kalt 2007). Nation building involves the creation of institutional structures that make this view of government a reality.

Our argument is that if the proponents of criminal justice system strengthening can embed their efforts in the broader work of nation building, their efforts have a much greater chance of sustainability and success. Why is that? As a threshold consideration, 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. When linked to nation building, criminal justice system development is more likely to be seated in a long-term process that tribal leaders (elected and unelected) support. Moreover, this support often translates into investments in partner institutions (for example, institutions that address and treat substance abuse), whose efforts complement the efforts of the criminal justice system in the achievement of social goals. With leadership support, program partners, increased resources, and shared goals—the products of embedding criminal justice system strengthening in nation building—the prospects for sustainability are real. And, while commitments to nation building are themselves vulnerable to political dynamics, the results that nation-building activities generate and the signals the process sends actually limit that vulnerability: investors (funders and program staff, especially) respond positively to those results and signals, which in turn can be an incentive for sustained support from tribal politicians.

When criminal justice system strengthening efforts cannot be embedded in a Native nation's overall work on nation building, everything opposite happens. Without this linkage, officials tend to view opportunities not as potential investments in an ongoing process of system change, but as time-limited sources of (badly needed) funds. Prospective change agents are disadvantaged as they seek to develop local partnerships and to leverage external resources because the political will to move key resources into line with a change agenda is absent. And, there is little likelihood of sustaining change after the initial period of funding and support ends.

The challenge, then, is to position criminal justice system development squarely within a Native nation's efforts to become more independent and resourceful; when a Native nation's citizens and leaders view tribal criminal justice system strengthening in this light, they are more willing to employ the community's formal and informal resources on its behalf. Fortunately, there is a natural fit between criminal justice system strengthening and nation building, which proponents of criminal justice system strengthening can use to their advantage. For one thing, the right of a

nation to police itself is essential to sovereignty.[31] For another, the ability to protect citizens from crime and violence is a nontrivial test of the effectiveness of tribal government institutions and political leadership. When local governments cannot promote safety, communities suffer political instability, disinvestment, and even institutional liquidation (as occurs when a state government takes over a local school district or the federal government takes over a tribe's police departments). But when a government is capable and respected in its activities to curb crime and victimization in public places and in private spaces, social and cultural activities and economic investment thrive; in other words, truly safe and prosperous communities typically have "good governments." And, in criminal justice as in other areas of governance, the evidence suggests that nation building and desired community outcomes go hand-in-hand. Tribes that consolidate authority over their criminal justice institutions and build capable systems—tribes that engage in criminal justice system reform in the context of nation building—are more likely to be more successful in addressing crime.

In sum, the ability to sustain a long-term change agenda is enhanced by connecting that process to a well articulated and deeply held local commitment to building a stronger and more resourceful community. Applied to CIRCLE, these ideas may have meant directing resources to developing or strengthening local consensus regarding nation building.

Sustainability Requires Connections between System Design and Community Norms

In reporting on the first phase of this evaluation, we discussed research demonstrating that effective tribal government institutions distribute power and authority in a way that makes sense to community members (where "what makes sense" is based on a Native nation's living culture). If a nation's institutional rules and processes have "cultural match," they underwrite success; if the rules and processes are not culturally legitimate, socio-economic progress is difficult (Cornell and Kalt 1993, 1995, 1997, 2000, 2007).[32]

The sheer volume of interactions between criminal justice system actors and community members makes cultural match particularly important to the design and operation of criminal justice systems. Even in small tribal communities, residents interact with criminal justice institutions thousands of times each year, most frequently with police. For example, in 1996, police officers of the Three Affiliated Tribes of the Fort Berthold Reservation, a Native nation with 4,000 resident members, received almost 40,000 calls for service but made only 1500

[31] On a fundamental theoretical level, the gift of people to their sovereign government—and a defining right of government—is the right to wield coercive power over the citizenry. It is impossible to be truly sovereign without exercising real self-determination in policing. See Thomas Hobbes' *Leviathan* (1651), especially Chapter 17, and Max Weber's "Politik als Beruf" (1921), or in English, "Politics as a Vocation" (1948).

[32] Cornell and Kalt's research suggests that modeling the form and powers of a government's contemporary institutions after the form and powers of its pre-reservation institutions may create this stability, respect, and legitimacy. But it is important not to be naïve about the possibilities. A society might find itself with institutions that are firmly grounded in historical cultural norms and yet confront an environment that renders those institutions ineffective. If old forms cannot be adapted to modern problems, the nation's challenge shifts to designing a new institution that makes cultural sense and *works*. Having a legitimate institution that is capable of meeting contemporary challenges is the over-arching goal.

arrests (Wakeling *et al*. 2001); this accords with other research on policing that suggests that 70-80 percent of incidents are generated by requests for order maintenance or service rather than immediate criminal activity (Skogan and Frydl 2004). Community members also have regular interactions with other criminal justice system actors—investigators, prosecutors, judges, probation officers, victims' advocates, etc. Each of these interactions is both an opportunity and a test. On the one had, every contact between a police officer and a citizen (or between a judge and an offender, a service provider and a client, and so on) is an opportunity for an agent of the criminal justice system to utilize and reinforce tribal norms, values, and priorities—to buttress cultural match and the legitimacy of the system. On the other hand, the interactions are tests of the criminal justice system's competency and community fit—and every test failed diminishes legitimacy of the system.[33]

Police department policies and procedures with regard to dispatch offer a simple example of such opportunities and tests. Imagine a situation in which, depending on the dispatcher's assessment of a call, a local elder or other accepted authority accompanies a responding officer. Perhaps the officer is there only to support the elder's authority (or vice versa). In a Native community in which "talking things out" is the norm for conflict resolution, the elder might have operational responsibility for the mediation task while the police officer ensures that the situation is secure. The interaction might also serve as an opportunity to mentor or coach the officer in the how such situations might be addressed in a culturally appropriate manner. Such an arrangement could simultaneously lend credibility to the modern police function, show respect for important community resources and traditions, and resolve a simmering dispute that otherwise might have escalated into violence. Conversely, where norms supports mediation and an officer acting on his own aggressively confronts suspects, the opportunity becomes a test failed: the officer fails to employ tribal values in service of obtaining the suspect's compliance (and perhaps the cooperation of witnesses and bystanders), offends the many community members who hold fast to those cultural mores, and may also fail to stem the dispute.

Abstractly, 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. In this sense, the architects of change should set out to build an iterative, virtuous cycle, making smaller operational and procedural changes that are effective and have cultural resonance, in order to build up a store of support for the harder, long-haul work of creating an Indigenous criminal justice *system*. This interaction-by-interaction affirmation is critical to the sustainability of a comprehensive change effort, since change along many different fronts may necessary and the extent of change may require a long time horizon. Notably, this is the pathway the Northern Cheyenne and Oglala Sioux outcomes analyses point to and the iterative approach the Zuni model embodied and supported in practice.

[33] Similarly, Lipset (1963) notes, "Legitimacy is evaluative. Groups regard a political system as legitimate or illegitimate according to the way in which its values fit with theirs" (p. 64). Amsterdam and Bruner (2000) argue, "If law is to work for the people in a society, it must be (and must be seen to be) an extension or reflection of their culture" (p. 2).

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

Improving criminal justice system performance is an activity that requires the engagement of a broad range of community resources. The most expansive frame includes all the institutions, agencies, and organizations (both formal and informal) that play an active role in preventing crime, resolving conflicts, and reducing or controlling crime, and involves them in system change planning and implementation.

Most of the common problems that tribal criminal justice systems address—child abuse and neglect, domestic violence, juvenile delinquency and crime, and alcohol and drug abuse—cannot be adequately addressed without assistance from social service institutions. In addition, institutions and individuals outside the conventional criminal justice and social service systems (grassroots leaders, elders, religious groups, and other formal and informal social and cultural organizations) play a crucial role in generating and reinforcing important community norms and values. Often, such institutions are much better positioned to resolve conflicts before they escalate into violence than are criminal justice agencies. One of the primary challenges for system designers is to forge functional connections among these informal entities, formal social service and criminal justice agencies, and the criminal justice system overall.

Another issue is that when criminal justice agencies or systems are in disarray or otherwise functioning poorly (especially over extended periods), organizations outside the system may move to act on pressing local problems—and even seek resources to do so. The end results complicate the coordination efforts required for a community to make progress on serious crime and social problems: some critical agencies are starved of the resources they need to improve performance, while others are loath to give up such resources given others' track records. This push and pull is intensified by the almost inevitable competition for limited resources in tribal settings. Such dynamics played out at the CIRCLE sites to the detriment of broad system change efforts.

In an earlier paper on policing (Wakeling *et al.* 2001), we provide examples of how linkages among contemporary tribal law enforcement agencies, other government agencies, and informal tribal institutions might be operationalized, including the example given above regarding dispatch. But there is also a large literature on how traditional practices can enhance or replace "conventional" criminal justice and social service functions, particularly court and correctional functions; many examples involve "restorative justice," and include practices such as sentencing circles, family group conferencing, and peacemaker courts (see, among others, Braithwaite 1999, Harvard Project on American Indian Economic Development 1999, 2003b, 2006; Karp and Clear 2000a, 2000b; Sherman *et al*. 2003; Skogan and Frydl 2004).[34]

[34] Some researchers have cautioned that community policing has the potential to assume authority over too many activities and resources related to justice and security. An alternative is for police to assume a narrow role—the exercise of physical force in the service of security—and for other community members and organizations (formal or informal) to be responsible for resolving disputes among residents, responding to low-level property crimes, and so on. A less restrictive alternative is for police to seek clear community authorization to accept tasks beyond their mandate of securing order via physical force and to work in alliance with other partners on such tasks. With their

Engaging stakeholders normally perceived to be outside of the criminal justice system not only leverages the resources they provide in terms of supporting and enforcing social norms but can also provide the critical political and popular support necessary to sustain system change (see, for example, Kretzmann and McKnight 1993). Lack of political and popular support was a key challenge at each of the CIRCLE sites—greater support may have made a difference to the sustainability of CIRCLE programming.

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. Typically, systems initiatives require changes in the relationship between criminal justice agencies and other agencies or branches of the tribal government, between various criminal justice agencies themselves, within specific programs or strategies, and in the technologies used to promote criminal justice system functioning.

- A Native nation might want to make its police department more accountable to the local tribal community by shifting from a federally administered to a tribally administered department. Or, in an effort to reduce police bias and corruption, the tribe might want to insulate its police department from political influence and pressures originating from elected officials in its legislative or executive branches. These are examples of rather ambitious changes involving the restructuring of relationships with entities *external* to the criminal justice system.

- A tribe might change its protocols for interaction between police and prosecutors (to decrease the number of cases dismissed for lack of testimony, for instance) or between police, judges, and probation officers (as is often the case when a tribe institutes a drug court or moves toward a more restorative justice model). These are examples of a systems initiative requiring new institutional relationships *internal* to the criminal justice system.

- A tribe might "flatten" the organizational hierarchy of its police department as part of a commitment to community policing; this structure would provide greater discretion, authority, and responsibility to patrol officers, who must often work independently and with little direct support and supervision. Or, it might look for other ways to redesign criminal justice programs so that they are more appropriate

partners, police would build the capacity of the community to take on other roles and assume a diminishing role as capacity was built. The same shift in authority and operational responsibility is described in the restorative justice literature. For example, in family group conferencing, the role of a judge or probation officer is to lend the court's authority to families and their supporters as they fashion reparations for victims and design and implement plans to deter the offender's involvement in future crimes. Despite the fact that these approaches involve major shifts in authority, where the proposed changes resonate with a community's culture (its values, norms, and priorities), they have been rather quickly adopted by a wide range of stakeholders and have been shown to reduce recidivism (Braithwaite 1999, Shearing 1995, Sherman *et al*. 2003).

to local culture (Bayley 1985, 1994, 1995). These elements of systems initiatives require changes *internal* to criminal justice agencies, programs, and strategies.

- The Zuni CIRCLE team felt that an automated management information system was essential to improving case management and developing "in-house" evaluation capacity. Their goal was to promote better management of cases as they moved through the system and to build the capacity to regularly evaluate system performance. This is an example of systems change depending on technology change.

Comparative literature on criminal justice systems reform in developing nations highlights that change in any one of these political and organizational spheres is difficult (where the difficulty level is ranked in roughly descending order from external relationships to technologies) (Bayley 1985, 1995). Changes to each of these types of relationships and organizational structures requires a different set of skills, experiences, and resources, ranging from highly developed political skills (and power) to great patience with the many quirks and setbacks associated with the implementation of new computer technologies. These challenges make systems oriented change—even "easier" change—time consuming. Bayley (1994) describes how transfer of the "Koban" technology from Singapore to Japan as part of the latter country's efforts to strengthen community-oriented policing took more than seven years, despite begin a relatively simple technology (something like a police box or substation, that moves police out of larger, centralized stations and provides essential support in the field). The Pueblo of Zuni's introduction of the Full Court automated management information system, an element of that tribe's CIRCLE strategy that has connected several important court functions, was beginning to reach full functionality some four years after installation (our last opportunity to observe implementation progress).

The report on Phase I of CIRCLE evaluation notes that private foundations, recognizing the complexity and difficulty of comprehensive change initiatives, have increasingly extended their funding horizons from two to three years to as much as ten years.[35] But a number of options are available. For example, the federal government might work with private foundations to develop a funding approach that requires federal investment only for early stages of the effort (two to four years perhaps), with private funding supplanting federal funding as the initiative proceeds. The goal would be to avoid a premature withdrawal of funding and assistance that erodes local support for long-term change initiatives and leads to unfounded but potent conclusions by tribal 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

Local planners of initiatives like CIRCLE benefit from thinking carefully about the *institutions and practices* they seek to change or reform as opposed to those *components of the system* that

[35] The Northwest Area Foundation's Community Ventures/Tribal Ventures program is one example (see the news release at http://programs.nwaf.org/pr/nwaf/info/New-Ventures-Communities.asp, retrieved August 2, 2007, that describes the foundation's proposed work and timeline with the Lummi Nation, Cheyenne River Sioux Tribe, and Turtle Mountain Band of Chippewa).

they seek to build or strengthen. The temptation is to substitute program development for system change, largely to escape the grueling requirements of institutional change—such as establishing and maintaining strong political mandates for change, confronting longstanding work rules and customs, and addressing tough questions regarding program effectiveness. By contrast, increases in funding permit localities to take the easier step of investing in new, more progressive programs and personnel. An example is using new funding to develop a police unit devoted to community policing. The unit might utilize tactics such as foot or bicycle patrols that are visible and well regarded but ultimately deceptive exemplars of a new approach, in which the popularity of the new unit masks the fact that the department overall has not committed to meaningful change. With near-inevitable decreases in funding, the new programs often disappear, leaving old, unchanged institutions and systems in their wake.

In fact, at the final "all sites" (or cluster) meeting during Phase II of the CIRCLE evaluation, the tribal coordinators and their local evaluation partners reported that many of the programs, policies, and processes that CIRCLE had generated were mounted—precariously—on top of old, unchanged systems. The relative effectiveness of these new, progressive efforts temporarily concealed the absence of true improvements in system functioning. As funding disappeared (as the CIRCLE Project formally ended and other federal, tribal, and private investments waned), it became clear that progress toward some critical system change goals could not be sustained.

The point here is not that CIRCLE-like investments are *unable* to improve system functioning—indeed, the capacity to do so was present at every CIRCLE site. Rather, the lesson for sustainability is that project principals (implementers, managers, political patrons, and funders) must have a firm understanding that extensive changes may need to be made in the design and operations of existing institutions. As the project progresses, they must also develop a firm understanding of what those changes are and maintain the will and resources to implement them. As the NCT and OST sites demonstrate, and as discussed in the section on culture and system design above, a bank of support for this hard work may be cultivated through small wins in overall system performance. The Zuni site shows most clearly that system change is possible, and especially how new technology can be an organizing force in helping change agents assess the success and remaining tasks of their change effort.

Sustainability Requires Insuring Against Bias and Corruption

To be successful, criminal justice systems must be both culturally legitimate and capable of meeting contemporary challenges. Two challenges are particularly salient for Native nations' criminal justice systems. With crime rates on many reservations apparently exceeding national rates, tribal systems must be capable of addressing substantial crime problems.[36] Secondly, their criminal justice systems must be free of political bias and corruption. Police, investigators,

[36] As mentioned in Chapter 2, a small but growing number of Native nations have the tools to generate crime rate statistics, but reliable overall statistics on crime rates in Indian Country are rare. For instance, the oft-cited report, "American Indians and Crime" (Perry 2004) may suffer from the exclusion of geographies under federal jurisdiction (private communication, Richard Braunstein and Steven Perry, October 2, 2006). But even if the data are correct, they reflect the crime rate experienced by Natives as a racial/ethnic group, as opposed to the crime rate on reservations. The section "American Indians in the Federal Justice System" (pp. 18-22) may be more accurate with reference to geography, but includes less data useful for understanding "the crime rate" in Indian Country.

prosecutors, judges, probation officers, and other representatives of a Native nation's criminal justice system must be seen by tribal citizens and other system stakeholders (potential investors, partners in law enforcement, officials of neighboring governments, etc.) to be unbiased and uncorrupted agents of tribal law.

Unfortunately, political bias and corruption are also distinctive challenges to the sustainability of criminal justice system change efforts in Indian Country. As do other nations,[37] many Native nations (including the CIRCLE demonstrate sites) are challenged to strengthen the capacity of their criminal justice agencies to be accountable to established law and society-wide norms of what is "right" (the cultural point made earlier) rather than current political direction. The relationships between the executive, legislative, and judicial branches of government and the criminal justice system must be designed to ensure that these agencies are buffered from political interference, and criminal justice system staff must be trained to enforce the law in an impartial manner and supported as they do so (Bayley 1995, Moore 1995, Moore and Braga 2004).

These challenges re-emphasize the value of cultural match in institutional and system design. In order to strengthen adherence to the rule of law, Native nations will want to maximize the consonance between their laws and law enforcement techniques (on the one hand) and the values, priorities, and norms of the local community (on the other). As noted, each interaction that the criminal justice system has with a citizen—whether it is a police response to a domestic incident, a court disposition, a probation meeting, etc.—is an opportunity to reinforce important tribal norms and values. If successful, these encounters strengthen public support for the mission of law enforcement, and provide protection in the face of occasional pressure to subvert the mission of criminal justice agencies to political interests and agendas. This reduces the possibility for political bias and corruption as well as the perception that it is occurring, which corrodes respect for the criminal justice system.[38] In terms of sustainability, the more important point may be that the shifts in financial resources and political power inherent in change efforts exacerbate social and political tensions, heightening the vulnerability of change efforts to charges of favoritism and even corruption. But such charges are less likely (and less likely to stick) if the evolving system is deeply rooted in widely accepted values and norms.[39]

Summary and Conclusion

Building a strong and capable criminal justice system is central to tribal progress toward an important set of social goals—goals that include protecting the Native nation's citizens from victimization, resolving disputes that may turn to violence, and keeping important public spaces safe. The closest analogy to the kind of planning and change process that building a strong and capable tribal criminal justice system requires may be that of constitutional reform. Both processes share a focus on forging a foundational agreement among citizens regarding the design

[37] Including the U.S., especially in the late 19th and early 20th century (see, for example, Fogelson 1979).

[38] Moore (1995) notes that without public respect, police and other representatives of the criminal justice system are denied the public assistance and support needed at each point in the criminal justice process to deal with crime.

[39] Cultural match also guards against the isolation of the criminal justice agencies from the community, which is an over-reaction to the influence that politics can exert and has been with a major criticism of the reform model of policing (Kelling and Moore 1988).

of the institutions (and policies and procedures) through which the Native community implements responses to the some of the most pressing social challenges it faces.

The specific approach is likely to vary from tribe to tribe, but in all cases, would almost certainly have to meet the following tests:[40]

- it has to correctly identify the full range of institutions and individuals that will participate in the design of the system and in what capacity (decision maker, funder, consumer, implementer);

- it has to create a means for connecting the design of the contemporary institutions to the tribal community's living culture; and

- it (that is, the process itself, not simply its outcomes) has to be culturally legitimate.

Embarking on the process of criminal justice system reform—and following it through—requires refocusing a Native community's energies. A Native nation needs to turn from crisis management (what will we do about this recent crime wave?) to the development of sustainable solutions to the challenges of crime, disorder, and fear. Where the shift occurs, key questions become: how will we build a safer, more secure community that protects the interests of all of our citizens in the long term, and "what decisions should we be making now in support of that objective?" (compare Cornell, Jorgensen, Kalt and Spilde 2007). In most instances, reform will require changes not only by Native nations but also by federal agencies. In particular, the shift from program to system thinking, from Band-aids to true reform, and from short-term solutions to long-term sustainability implies a need for new forms of federal investment in strengthening the capacity of Indian Country institutions to address crime. Both phases of this evaluation strongly suggest that CIRCLE (through its attempted shift from reactive thinking toward proactive planning, from a narrow to a broad funding focus, and from the imposition of federal programs to locally designed solutions) was an important step in this direction—and thus, an apt investment in building the capacity of both tribes and federal agencies to address the challenges of crime, violence, justice, and public safety in Native communities.

[40] Some of these ideas are discussed in more detail in Lemont (2002, 2006).

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Appendix A: Evaluation Phase I Report

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

Executive Summary

The CIRCLE Project

In 1998, several agencies within the U.S. Department of Justice (USDOJ) initiated a partnership with the Northern Cheyenne Tribe, Oglala Sioux Tribe, and Pueblo of Zuni to strengthen those tribes' 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 their justice systems' individual components 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 tribe-specific, crime-related goals.

Evaluation of the CIRCLE Project occurred two phases—a first, 18-month process phase, reported on here, and a second, 30-month outcomes phase, which will generate a separate report. This was a participatory evaluation. It engaged the tribal and federal partners in a number of core design and data collection tasks, including identifying the focus, goals, and end products of the evaluation, and the outcomes and indicators regarding program and system performance. An important goal of the evaluation was to understand whether the design of CIRCLE was useful to tribes in their justice system-strengthening efforts; it asked, what design features seemed most helpful and why? In answer, the first phase of the evaluation shed light on the following:

- The promise of federal cross-agency (and, potentially, cross-department) cooperation and coordination as a means of maximizing the value of federal investments in building strong and resourceful tribal communities

- The strategic importance of addressing crime problems through system-level (rather than program-level) thinking

- The powerful, intertwined influence of nation building, culture, and context on change efforts in Indian Country

- The role sustainability goals should play in the design of such initiatives

The dynamics surrounding these factors over the course of the Project were complicated and presented difficult challenges for the participating federal agencies and for the participating tribes. Even so, CIRCLE made an important contribution to the tribes' efforts to design and build stronger justice systems, and thus, we present our discussion of the bulleted points above as opportunities for increasing the value of future federal investments in building strong and resourceful tribal communities.

Opportunity 1: Build on the Federal Partners' Efforts to Support Comprehensive Justice System Planning

The considerable challenge the federal CIRCLE partners faced was to craft a set of tools and opportunities that tribes could use in building and/or strengthening their justice systems, and to do so despite the fact that their efforts were greatly inhibited by, among other things, the sheer size and complexity of the relevant federal partner agencies, numerous federal guidelines and legislative restrictions that govern relationships with grantees, and inevitable shifts and conflicts in values and priorities in changing political climates. In the face of these barriers, the federal partners forged a strong inter-agency working group that succeeded in creating a significant set of opportunities for the tribes. Our site-based interviews and observations point particularly to two working group products that provided valuable support to the tribal partners' efforts:

- The federal partners' work toward streamlining and coordinating funding, and
- Improved communication and cooperation among the federal partners themselves and between the federal partners and tribes

These products provided the participating tribes with a mix of "system change" tools and opportunities (for example, preferential access to selected program resources) in exchange for local efforts to strengthen justice systems and local commitments to performance accountability. Viewed thusly, the context for CIRCLE includes not only comprehensive tribal justice initiatives but also similar comprehensive initiatives by the federal and state governments in the health, social service, and justice arenas.

This broader array of reform initiatives is producing evidence that comprehensive system change *can* help communities make progress toward important social goals (improved safety, improved health outcomes, etc.), and it is generating a valuable set of lessons learned about how to accomplish such change. Based on these findings and our analysis of CIRCLE, we recommend that USDOJ build on the approach it took to the Project in future initiatives. Formalizing the CIRCLE working group (and, over time, vesting it with increased authority and resources) could be an effective means of sustaining the opportunities and incentives the Project provided. Further, we note that there are existing federal models for improving and institutionalizing the type of funding CIRCLE offered tribes. The most flexible model is block grants; the federal Local Law Enforcement Block Grant and Juvenile Accountability Incentive Block Grant are examples of two such USDOJ programs. They provide substantial funds to cities and counties with limited restrictions on their use. Progressive communities have used the grants as "innovation funds" and invested the money in improvements to overall system performance.

Opportunity 2: Use the Concept of Nation Building to Guide the Initiative's Goals, Plans, and Implementation

"Nation building" refers to the process, undertaken by indigenous nations themselves, of constructing effective institutions of self-government that can provide a foundation for sustainable development, community health, and successful political action. In other words, it is the process of promoting Indian nations' self-determination, self-governance, and sovereignty—and, ultimately, of improving tribal citizens' social and economic situations—through the creation of more capable, culturally legitimate institutions of governance. Our observations suggest there are two reasons why the nation-building process is important to CIRCLE. The first might be called a "frame of reference" problem, the second a missed opportunity.

Using Nation Building as a Frame of Reference Will Improve Communication and Project Design

As a frame of reference, the leaders, governmental personnel, and citizens of tribes generally think of their tribes as nations and, hence, make decisions and undertake initiatives based on this understanding. Committed tribal nation builders add an additional layer to this viewpoint. They realize that their nations participate in federally funded projects like CIRCLE by choice; the federal government cannot tell them to take the money, they can opt not to, and they can take action to accept federal support on their own terms.

Initial documents describing CIRCLE reflect USDOJ's appreciation of tribes' nationhood. It is less clear that the USDOJ grant managers and technical assistance providers participating in CIRCLE consistently embraced this orientation. Unfortunately, any time federal CIRCLE partners failed to recognize tribal partners' "national" orientation, a functional mismatch arose, with tribal partners thinking and acting as national representatives and federal partners treating them in a more conventional manner (as typical "grantees," "programs," or "local governments")—with generally detrimental results. This "frame of reference problem" generated disjunctions between the options tribal partners believed they ought to have and the options the federal partners believed were available. The results were stymied negotiations, frustration on both sides, forced "compromise," and lower productivity.

Critically, the point is not that tribes' requests must always be honored. Rather, the federal government *and tribes* must work harder to share the "tribes as nations" frame of reference. If tribes' nationhood is a consistent focus, federal and tribal representatives may find more fruitful ways to negotiate and compromise, and tribes may gain increased control of their futures by exercising greater choice over the types of funding they accept and programs they develop.

As noted, an important consideration for tribes is that the nation building perspective obligates them to think strategically about the role grant opportunities play in nation building. For tribes that recognize the importance of nation building, the question is difficult: does this initiative offer the opportunity to make a sound investment in more capable tribal institutions, or does it commit us to yet another three-year cycle of short-term jobs and unrealistic expectations for improvements in social conditions? When tribal leaders and grant seekers have answered this question honestly, their priorities may necessarily shift; for example, a tribe may request the opportunity to think more fundamentally about strategies that move the tribe forward along the

path of nation-building, and might request not "program support," but a very different set of resources (such as technical assistance and support for thorough planning and assessment). There is, of course, tremendous pressure on tribes with limited funds to pursue new grant opportunities regardless of their long-term value. We propose, however, that there may be substantial untapped value in communicating to funders that piece-meal, categorical, and culturally inappropriate grant initiatives are of little use—and that one powerful way of communicating this would be for tribes to refuse participation in such initiatives.

Identifying Nation Building as a Shared Goal Will Improve Focus and Productivity

Well-understood, deeply shared goals are valuable because they serve as organizing principles and ultimate objectives. Our sense is that the tribes and USDOJ agencies participating in CIRCLE lacked such a goal. Further, we believe that identifying "nation building" as CIRCLE's overarching goal would have served the purpose—and that not identifying it as the explicit goal for CIRCLE was a missed opportunity, which ultimately prevented funds from being used in the most productive manner possible.

In the future, USDOJ ought to adopt nation building as its overarching goal for projects in Indian Country. The goal would better coordinate federal partners' actions by requiring them to pass their plans and activities through this filter: *do the plans and activities of our organization support tribes in the process of constructing effective institutions of self governance that can provide a foundation for sustainable development, community health, and successful political action?* The filter for Indian nations is similar: *does the strategy we propose for strengthening our justice system fit with our long-term efforts to become a stronger, more resourceful community?*

Opportunity 3: Take Context and Culture Seriously—Generate More Tailored Tribal Strategies

The CIRCLE tribes display great variation in terms of culture, political systems and stability, demographics, criminal justice system organization, available social services, proximity to urban areas, etc. Understanding of these factors is essential, as they create the local context for change. Done well, assessment honestly portrays this context, revealing the challenges and resources present within the community. By clarifying and highlighting local constraints and opportunities, good assessment results in good strategy, or in *practical* expectations of how and how much change will be achieved. Indeed, research and experience with similar community initiatives recommend a structured and intensive period of assessment and planning. Yet this connection between context, assessment, and strategy was not evident in the development and initiation of CIRCLE, as the Project moved straight to a strategizing phase.

The tight connection between assessment, planning, and strategy suggests that because contexts differ, strategies ought to differ. Here we focus on a particular aspect of that point: the partner tribes' highly distinct cultures increase the probability that different strategies will be needed within each community in order to generate substantive justice system change. Significantly, there is growing evidence on the connection between culture, institutional and strategic design, and organizational or programmatic success. One body of evidence concerns the success of governing institutions in Indian country. Research has found that better-performing tribal

governments are in the development "driver's seat" and possess constitutional-level institutions that pass the twin tests of cultural legitimacy and capability. In other words, effective tribal government institutions distribute power and authority in ways that make sense to their citizens (where "what makes sense" is based on a Native nation's living culture) and are capable of getting things done in the contemporary world. The critical cultural variable has been called "cultural match": if a nation's institutional rules and processes are culturally legitimate, they underwrite socioeconomic progress; if not, progress is difficult.

This research on constitutional-level institutions is complemented by emerging evidence that culturally appropriate strategies increase the success of a wide variety programs and processes. For instance, culturally appropriate strategies appear key to the progress some Native nations are making against hard problems such as community infrastructure development, healing for victims of sexual abuse, and diabetes. Criminal justice programs and institutions with cultural match also may generate improved outcomes; for example, they may reduce recidivism. Especially when combined with strong signals from the tribal CIRCLE partners, the research indicates that success is more likely if strategies vary appropriately with tribal settings.

Nonetheless, the architects of CIRCLE and the ongoing federal working group did not adequately define and support the role culture might play in tribal programs and strategies, in the design of the individual agencies and institutions that make up tribal justice systems, and in the overall design and administration of the systems themselves. The challenge here is an important one. For any given Indian nation, the systems that animate and guide criminal justice functions (policing, prosecution, corrections, etc.)—including the organizational structures of individual agencies and the criminal justice system overall, tribal personnel and training systems, local management information and control systems, and tribal agencies that conduct strategic planning—ought to be linked to a vision of these criminal justice functions that is shaped by the nation's beliefs, needs, priorities, and resources. As a result, the agencies charged with administering justice would become more indigenous (or self-determined), more likely to build upon and reinforce important cultural norms and values, and more valuable to the community.

We acknowledge that it is not easy to hearken to this call for more tailored, culturally appropriate strategies. Federal players may find it difficult to work within their institutional and legislative constraints to help tribes craft such strategies, and tribes may lean toward the path of least resistance and return to the procedures and policies of the past, despite the probable success of new approaches. However, federal agencies have well-developed roadmaps for instituting funding streams that provide greater flexibility to localities, including tribes. We again cite Local Law Enforcement Block Grants and Byrne discretionary grants, which afford cities and counties substantial discretion in how they are invested, as well as the self-governance amendments to Public Law 93-638, which provide substantial discretion to tribes in how they are invested. As emphasized under Opportunity 1, our point is not that the right funding mechanisms presently exist, but that there is precedent for them in current government practice. With appropriate legislative changes, the development of corresponding support functions within USDOJ, and knowledge about these opportunities in Indian country, similar programs could promote the more effective use of USDOJ resources for tribal justice system enhancement.

Opportunity 4: Introduce a Focus on Sustainability from the Start

For the purposes of this evaluation, we think it is useful to define sustainability in two ways. First, those changes in institutional and system design and operation that are most able to weather fiscal, political, and other challenges over an extended period of time may be defined as "sustainable." Sustainable change may arise from investments in infrastructure, training, and technology, but more precise identification of the contributing factors also necessitates, as we suggest under Opportunity 3, careful consideration of the local context. Guiding questions must be: given this particular cultural, social, and political setting, do investments in (for example) institutional re-design, government structures, staff development, or technology make sense as a means of promoting project sustainability? What makes programs live on in this nation? Second, sustainability is related to the specific investments that maximize local actors' effectiveness both during and after the period for which the initiative is funded. The tribal CIRCLE partners are managing change within and across sectors in complicated political, cultural, and social settings, with limited resources. What kinds of support and professional development opportunities will optimize their contributions over time?

High Quality Technical Assistance Plays a Key Role in Sustainability

A critical investment is in good technical assistance (TA). High quality TA promotes both types of project sustainability, and thereby increases the odds that a project will result in system change. At the least, it leaves behind human capital, data, or procedural tools; even if a program or initiative withers after the withdrawal of external funding, these are bases on which an individual or community can later build. At best, TA promotes the creation of sufficient capacity for the initiative to carry on and meet its goals.

Across the sites, CIRCLE affiliates who received on-site, program-specific technical assistance told us how much they learned from and enjoyed the trainings and other TA opportunities provided through CIRCLE. Unfortunately, CIRCLE coordinators, steering committees, partner program directors, and partner program staff also reported that there was too little TA, that the time gap between the request for and provision of TA was too large, and that the TA needed often extended beyond USDOJ's traditional areas of expertise. For example, USDOJ fruitfully provided training in community policing and to court-appointed special advocates and provided technology assessment TA, but tribal-level implementers' needs extended to TA on evaluation, institution building (and cultural match), strategic planning, political communication and strategy, leadership development, incorporating the community in decision making, and financial management and budgeting, among others. For an agency like USDOJ to provide or even fund such TA may be a challenge, but evaluation findings argue that it would be a challenge well met.

Intriguingly, providing better TA may provide the means for offering more TA. The key is recognizing the TA-increasing implications of two facts: 1) that good technical assistance can reduce or even replace the need to monitor compliance; and 2) that meetings (cluster meetings, for example) and other already-funded project-related events offer opportunities for peer TA.

Expanding on the first point, we note that many non-federal government funders (especially foundation actors) have made, or are making, a gradual shift away from intensive monitoring and toward intensive, well-rounded technical assistance. There are several reasons for this shift.

Certainly, it creates a better sense of partnership. Joint involvement in TA would create situations in which the federal government and tribes truly partnered in problem solving, where by contrast, monitoring visits leave the impression that federal actors are interested only in overseeing tribal efforts. But it is also cost-effective. Good TA, that which is targeted at specific site needs and addresses problems in a way that is useful to implementers, provides essentially the same information as monitoring. If grantmakers are actively involved in the delivery of such TA, it becomes a "twofer" and makes for a better use of funds.

Investments in Local Leadership Play a Key Role in Sustainability

Cross-site study underlines the importance of quality local leadership to the effectiveness and sustainability of the CIRCLE Project. The site coordinators appear to be particularly important local leaders: when we asked questions at the sites about sustainability, we invariably were told that sustainability depended on the Project's coordinators (the role, not necessarily the person), in that the coordinators promoted an overall vision for the Project within the community and helped ensure that the entire effort continued to move forward.

This finding argues that investments that support the site coordinators—and other local leaders and stakeholders—or build their capacity to do their jobs well are likewise investments in sustainability. In future initiatives, federal and tribal actors should consider providing these local leaders with carefully designed support and capacity enhancements.

A Closer Look at the Federal Process

We have noted that the federal partners produced two extremely important products in the implementation of CIRCLE—a streamlined and coordinated approach to funding and better inter-agency and federal-tribal communication. While we were critical of the lack of an overarching goal to focus CIRCLE work, the many "sub goals" the federal partners set for themselves offer another evaluation opportunity: analysis of the federal partners' progress against their goals provides a more nuanced understanding of Project accomplishments and failures. A summary of this progress is presented below.

> *Goal: to accelerate and coordinate USDOJ programs and grants at CIRCLE demonstration sites to guide general implementation of the Indian Country Law Enforcement Initiative*

In general, CIRCLE succeeded in accelerating the participating tribes' receipt of an overall set of program funds from the U.S. Department of Justice, which allowed them to begin implementation quickly. But this is not to say that acceleration is necessarily a good thing. The Northern Cheyenne Tribe and the Pueblo of Zuni were administratively prepared for the Department's rapid grant award, but the Oglala Sioux Tribe was not. The Department's subsequent decision to freeze Oglala Sioux's receipt of CIRCLE funds suggests that acceleration is desirable as long as a tribe's financial management infrastructure is adequate and accountable. Furthermore, acceleration of funding forced the tribes to bypass early-stage assessment and follow-on strategic planning.

On the positive side and as noted earlier in this summary, the federal CIRCLE partners also succeeded in coordinating funding and, to a large extent, grant management, accomplishments that provided valuable support to the tribal partners' efforts.

> *Goal: to promote the inter-tribal exchange of ideas and experiences in law enforcement, community development, and federal-tribal relations*

Cluster meetings were the right first step toward achieving this goal. They were a deliberate attempt to gather together tribal-level change agents, program directors, and leaders who were working on similar issues and striving toward related goals. Yet the meetings fell short of their potential. They might have been more useful had the participant tribes been given more latitude in meeting planning. But funding realities also mean that this freer hand must be accompanied by an upfront, explicit, and *mutually understood* explanation of the kinds of activities that can legitimately be supported. (We add emphasis to "mutually understood" as we were told that the federal partners believed they had informed the tribal partners about the limitations on the use of federal funds. This suggests that a still more explicit and affirmed understanding is necessary in the future.) With this understanding, tribal partners are savvy enough and creative enough to work within constraints or to seek non-federal sources of funding (tribal funds, foundation funds, private donations, etc.) to support more innovative and productive meetings.

> *Goals: i) to develop a comprehensive planning and development process for safe and healthy tribal communities, and ii) to foster true strategic planning and to increase the partnership between tribes and USDOJ*

These related goals link comprehensive and strategic planning to two very different but desirable outcomes—safer communities and improved government-to-government relations. While outcomes data to lend credibility to the first point is not yet available, several factors suggest that CIRCLE has at least partially met these goals.

The tribes' CIRCLE Project applications are one piece of evidence that CIRCLE assists tribes with comprehensive and strategic planning. Especially for years two and three, the application process served as a tool and opportunity for strategic planning; the applications that emerged for Northern Cheyenne and Zuni in 2000, and all three tribes in 2001, reflected significant improvement in the development of strategic and comprehensive plans. But USDOJ did less than it could have to develop and foster sound planning processes. As has been noted, goal one (accelerated funding) is itself a barrier to improved planning, since good strategic and comprehensive planning takes time and should be preliminary to program implementation. In general, sound planning processes also require site-specific, problem-targeted technical assistance, especially in the form of baseline assessment, which was not really part of CIRCLE.

With regard to the connection between strategic planning and federal-tribal partnership, both federal and tribal commentators suggested that CIRCLE's short time horizons and limited investments in strategic planning stood in the way of a long-term sense of partnership. A government-to-government relationship isn't "here today and gone tomorrow"; tribes need to sense that the federal government is working with them over the long haul. Critically, substantial funding transfers are only one indicator of a positive long-term relationship. Personnel avail-

ability, technical assistance, support for assessment and planning efforts, and institutionalized training within USDOJ on Native issues are other means of building enduring partnerships.

> *Goal: to address (or at least draw attention to) the baseline roadblock that tribes have in developing comprehensive programs—serious gaps in their criminal justice systems*

While it is not clear that this understanding has broadly permeated USDOJ, the six Offices and Bureaus collaborating on CIRCLE Project funding were forced, time and again, to recognize the limitations on action posed by system gaps. For example, increasing the size of a tribe's police force has a limited impact on tribal law enforcement if there are too few prosecutors, judges, jail spaces, and/or probation officers to make police officers' citations have bite. Given that they faced these problems, the federal partners also worked with the tribal partners to fill the gaps.

> *Goal: to highlight the need for additional and more consistent resources for tribal law enforcement projects (and to remedy the problem, at least for a little while, for the three participating tribes)*

For the three years of CIRCLE, it seems clear that the Pueblo of Zuni and the Northern Cheyenne Tribe (neither of which experienced a CIRCLE funding freeze or uncertainty around the third year of corrections construction funding, as did the Oglala Sioux Tribe) did receive funding from USDOJ in a more consistent manner than they would have without CIRCLE. Again, it was the guarantee of funds from the federal partners that generated this consistency. When looking beyond the three years of Project funding, however, the guarantee is gone and any strong sense of "consistency" in funding is gone too. At best, there is a weaker version of "more consistent funding" in play once the Project ends: the federal partners are now much better informed about each other's programs and can better direct tribal applicants to appropriate and additional funding sources when questions arise. Of course, this benefit lasts only as long as the federal personnel who worked on CIRCLE remain in their positions and the current grant program structure lasts.

Summary and Conclusion: What Was Accomplished

In every instance, evidence from the preceding review of the federal government's involvement with the CIRCLE Project suggests that CIRCLE helped USDOJ move in the direction of its goals. Sometimes the movement was not far, but it was progress nonetheless. Sometimes the progress was made in the face of difficult tensions—between "policymakers" and "grantmakers," between the tribes and USDOJ, and perhaps even among grantmakers themselves. But the progress suggests that the undertaking was productive, and with that result, USDOJ ought to think seriously about how to build on and move forward from the CIRCLE Project.

This recommendation is further supported by the fact that the CIRCLE Project helped strengthen the justice system at each of the tribal sites:

- It enabled the Pueblo of Zuni to make substantial progress toward the development of a functioning criminal justice *system* by: (1) strengthening the performance of agencies such as domestic violence service providers, the police

department, corrections, etc.; (2) building a management information system capable of providing timely information on the performance of individual agencies and the system as a whole; and (3) developing a logic model that has helped the tribe craft a strategic approach to "breaking the cycle of violence."

- It has helped a set of key Northern Cheyenne leaders and community members consider the importance of developing a tribal Department of Justice; allowed the creation and expansion of programs that support a better tribal court (probation programs, victims assistance programs, and court clerk positions); and enabled an ongoing focus on the problems of the nation's youth and the development of a youth rehabilitation center to complement other youth outreach efforts.

- It has provided citizens of the Oglala Sioux nation an opportunity to identify how their culture and other important features of the local context should influence the design of their criminal justice institutions. This has, in turn, provided reformers with a framework for rethinking the design of current institutions and agencies charged with addressing crime and crime-related problems.

Taken together, these accomplishments and the valuable new knowledge produced by the CIRCLE Project suggest that the federal investment in CIRCLE was a worthy one.