2013 National Survey of Tribal Courts Systems  
Survey Participant Information

**Directions**

* Please review this survey in its entirety before completion, as several sections will require gathering administrative information from various components within the tribal justice system.
* Please consult with justice system, law enforcement, and finance department representatives as necessary to obtain information to complete the survey in its entirety.
* The information collected in this survey is vitally important for understanding the administrative and operational needs of your tribal court individually, but it also helps in planning for tribal justice systems across Indian Country.
* **INTERTRIBAL COURTS PLEASE NOTE**: Fill out a *separate* survey for each tribe that participates in the intertribal court or ensure that each participating tribe fills out its own survey.

Survey sent to:

Name of the federally recognized tribe: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Information supplied by:

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title or Position: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Telephone: ( ) \_\_\_\_\_\_ - \_\_\_\_\_\_\_\_\_\_\_\_\_

Fax: ( ) \_\_\_\_\_\_\_ - \_\_\_\_\_\_\_\_\_\_\_\_\_

Email Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Please be assured that your tribe’s responses will not be identified with you individually. We ask for your name and contact information above in case any of the survey items need clarification.

**Upon Completion of the Survey**

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

* Mail: 1100 Wayne Avenue, Suite 1010, Silver Spring, MD 20910
* Fax: 301-588-6801
* Email: NSTCS@kauffmaninc.com

If you have questions or need assistance, you may call toll free and leave a message at 1-877-528-4025 or send an email message to NSTCS@kauffmaninc.com. A member of our survey administration team will respond promptly.

Thank you for your cooperation in this important data collection effort. Your responses are critically important to the success of this survey.

OMB No \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approval Expires on \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Omnibus Crime Control and Safe Streets Act of 1968, as amended (42 USC 3732), authorizes this information collection. This request for information is in accordance with the clearance require of the Paperwork Reduction Act of 1908, as amended (44 USC 3507). The burden of this data collection is estimated to average 2.1 hours per response, including time to review instructions, gather the information needed, and enter and review the information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions on how to reduce this burden, to the Director, Bureau of Justice Statistics, 810 Seventh Street, N.W., Washington, D.C. 20531. Do NOT send your completed survey to this address.

# Section A. Tribal Justice Systems

**This section gathers information on the various components of your tribal justice system, including law enforcement, the court, and corrections. Complete this section even if your tribe does not operate its own tribal court or does not participate in a consortium.**

1. What was the total number of your **enrolled tribal members and tribal citizens** during 2013 (including members living both on and off the reservation with official tribal membership)?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (Check here if this is an estimate.)

1. What was the **total resident population** (including members, nonmember Indians[[1]](#footnote-1) and non-Indians) on your reservation, tribal land, or village during 2013?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  (Check here if this is an estimate.)

1. Which law enforcement agencies provide the policing function on your reservation, tribal land, tribal community, or village? (Select all that apply.)

a. Tribal: (Provide name of agency or agencies)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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b. Bureau of Indian Affairs (BIA): (Provide name of agency or agencies)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

c. Federal Law Enforcement other than BIA: (Provide name of agency or agencies)

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d. State/County (including County Sheriff or State Troopers): (Provide name of agency or agencies)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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e. City: (Provide name of agency or agencies)

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1. Which type(s) of tribal court system operates in your tribal jurisdiction? (Select all that apply.)

a. Indigenous or traditional court (for example: peacemaking, elder panel, circle sentencing)

b. Formal tribal court (a hearing presided over by a judge or magistrate)

c. Circuit rider system

d. Appellate court

e. Intertribal court system: (Provide name of court system)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

f. Joint Jurisdiction court (tribal-state court): (Provide name of court)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

g. Bureau of Indian Affairs (BIA)/Court of Federal Regulation or Court of Indian Offenses (CFR)

h. Other: (Please describe)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. What are the components of your indigenous traditional justice system? (Select all that apply.)

a. An indigenous or traditional justice system is not operated by (or on behalf of) the tribe.

b. Peacemaking

c. Elder panel

d. Circle sentencing

e. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**NOTE:** Ifyour tribe does not operate a tribal court or participate in an intertribal court system **STOP HERE**. DO NOT complete the rest of the survey. Please follow the directions on the cover page to return completed portions of the survey. Thank you for your participation.

# Section B. Tribal Court Administration

**The remaining sections of this survey apply to your tribal court system.**

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases closed by your tribal court during the calendar year 2013. Use the following definition to determine case numbers:

A *case* is a set of all charges against a single defendant that the court handles as a single matter. A case with three defendants should be counted as three cases, but a case with one defendant with multiple charges should be counted as one case.

**NOTE:** If you are unable to provide the actual case count number, please provide your best estimate and check the “Check here if this is an estimate” checkbox.

If the case count is none, enter “0” as your answer.

If you do not track this information, please check the “Do not track these case numbers” checkbox.

1. How long (in years) has your tribal court been operational?

Number of years: \_\_\_\_\_\_\_\_\_\_\_\_\_

1. Under what authority does your tribal justice system operate? (Select all that apply.)

a. Inherent sovereign authority

b. Specifically authorized in the tribal constitution

c. Created by tribal statute, resolution, or ordinance

d. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Indicate the different types of specialty courts[[2]](#footnote-2) or specialized dockets[[3]](#footnote-3) operating in your tribal court system. *(Select all that apply.)*

a. There are no such courts in our tribal system.

b. Family court

c. Domestic violence court

☐ d. DUI/DWI court

e. Juvenile delinquency court[[4]](#footnote-4)

f. Juvenile dependency court[[5]](#footnote-5)

g. Drug or alcohol court

h. Veteran’s court

i. Re-entry court

j. Mental health court

k. Other: *(Please describe)* \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Of the types of specialty courts identified in Question B3, do any operate as a Joint Tribal-State Jurisdiction court[[6]](#footnote-6)?

a. Yes

b. No

**Items B5 – B6 pertain to civil matters**[[7]](#footnote-7) **only.**

1. Does your tribal court or inter-tribal court exercise civil jurisdiction?

a. Yes

b. No (**GO TO ITEM B7**)

1. How many civil cases were closed in your tribal or inter-tribal court in calendar year 2013?

a. Traffic cases: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

b. Non-traffic cases: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

**Items B7 – B12 pertain to criminal matters**[[8]](#footnote-8) **only.**

1. Does your tribal court currently exercise criminal jurisdiction?

a. Yes

b. No (**GO TO ITEM B13**)

1. Over what type(s) of defendant does your tribal court exercise *criminal* jurisdiction? (Select all that apply.)

a. Tribal members

b. Nonmember Indians

c. Non-Indians

1. How many criminal cases were closed in your tribal court in calendar year 2013?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

1. How many of these criminal cases closed in your tribal court in calendar year 2013 involved a ***non-Indian defendant***?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

1. How many criminal cases were closed by your CFR court in calendar year 2013 were for:

a. Violent crime \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

b. Property crime \_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

1. In 2013, did your tribal court permit the use of any DNA evidence during a *criminal* proceeding?

a. Yes

b. No

1. What are the various mechanisms by which tribal laws and codes are made available to the public? *(Select all that apply.)*

a. Tribal laws and codes are not made available to the public.

b. Paper copies are available in the tribal office, library, or other location.

c. Electronic versions are provided in a password-protected file.

d. Electronic copies can be downloaded from a tribal website or from a host site (for example: NARF, VERSUS, or the tribal court clearinghouse).

e. Electronic copies are available on commercial websites (for example: Westlaw).

f. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Has your tribe established or does it have formalized plans to establish a tribal bar association?

a. Yes, the tribe has a tribal bar association

b. Yes, the tribe has formal plans to establish a tribal bar association

c. No, the tribe has no tribal bar association

1. Does your tribal court or inter-tribal court operate a pre-trial release program?

a. Yes

b. No

1. Does your tribal court or inter-tribal court operate a pre-trial diversion program?

a. Yes

b. No

1. What type(s) of alternative dispute resolution does your tribal court use to mediate conflict? (Select all that apply.)

a. Tribal court does not use any type of alternative dispute resolution. (**GO TO ITEM B19)**

b. Arbitration (formal)

c. Elder panels

d. Talking circles

e. Family conferences

f. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. How many cases did your tribal court settle through the use of some type of alternative dispute resolution in calendar year 2013? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

**Items B19 – B26 pertain to juries only.**

1. Does your tribal court provide the defendant the right to a trial by an impartial jury?

a. Yes

b. No (**GO TO SECTION C**)

1. What are the qualifications for jury service? (Select all that apply.)

a. Tribal member

b. Language requirement (for example: fluency in English or tribal language)

c. No felony convictions

d. Residency requirement (for example: must live on reservation)

e. Minimum age: (Please specify) \_\_\_\_\_\_\_\_\_\_\_\_

f. Maximum age: (Please specify) \_\_\_\_\_\_\_\_\_\_\_\_

g. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. What is the standard number of jurors used by your tribal court? (If jurors are not used for the type of trial listed, write “N/A” for your answer.)

a. In misdemeanor trials: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b. In felony trials: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

c. In civil trials: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Does your tribal court compensate jurors for their service?

a. Yes

b. No

c. Not applicable

1. Does your jury pool for criminal proceedings include nonmember Indians?

a. Yes

b. No

c. Not applicable

1. Does your jury pool for criminal proceedings include non-Indians?

a. Yes

b. No

c. Not applicable

1. Does your jury pool for civil proceedings include nonmember Indians?

a. Yes

b. No

c. Not applicable

1. Does your jury pool for civil proceedings include non-Indians?

a. Yes

b. No

c. Not applicable

# Section C. Tribal Court System Operations

1. How often does your tribal court hold sessions or hear cases?

a. Daily

b. Weekly

c. Monthly

d. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. What was the fiscal year (FY) 2013 operational budget of your tribal court for adjudication functions, excluding capital outlays for construction?[[9]](#footnote-9) (If you are unable to provide the actual number please provide your best estimate and check the “Estimate” checkbox.)

$\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Check here if this is an estimate.

1. Please indicate whether this is the fiscal or calendar year budget.

a. Fiscal year *(Please enter the start and end dates of the 2013 fiscal year*)

\_\_\_\_\_ \_\_\_\_ \_\_\_\_\_ to \_\_\_\_\_ \_\_\_\_\_ \_\_\_\_\_\_

mm dd yyyy mm dd yyyy

b. Calendar year

1. Which of the following sources provided funding for your tribal court operations during 2013? (Select all that apply.)

| **Source** | **Provided 2013 Funding** |
| --- | --- |
| a. Tribal appropriations |  |
| b. Bureau of Indian Affairs (BIA): Self Determination Compact Tribal Priority Allocations (TPA) |  |
| c. BIA: Public Law 93-638 Contract | ☐ |
| d. Other BIA funding |  |
| e. Coordinated Tribal Assistance Solicitation (CTAS) funding from the U.S. Department of Justice (DOJ) |  |
| f. DOJ grants, other than CTAS funding |  |
| g. Substance Abuse and Mental Health Services Administration (SAMHSA) |  |
| h. Other federal funding |  |
| i. State funding |  |
| j. Private foundations |  |
| k. Fines and other court costs |  |
| l. Other grant funding: (Please describe)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |
| m. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |

1. Which of the following positions and services were funded totally or in part by your tribal court’s operating budget in 2013? (Select all that apply.)

| **Core Court Positions and Services** | **Funded in 2013 Budget** |
| --- | --- |
| a. Judges |  |
| b. Prosecution |  |
| c. Indigent defense services/Public defender |  |
| d. Administration/Court clerks |  |
| e. Bailiffs |  |
| f. Probation/Parole |  |
| g. Law clerks |  |
| h. Court staff attorney |  |
| i. ICWA[[10]](#footnote-10) worker (child welfare) |  |
| j. Juvenile services |  |
| k. Mental health treatment |  |
| l. Alcohol and drug treatment |  |
| m. Electronic monitoring program |  |
| n. Victim services/Victim assistance services |  |

1. Which qualifications are required in order to serve in the following tribal court positions? *(Select all that apply.)*

|  | **Trial judges** | **Appellate court judges  (including Supreme Court judges)** |
| --- | --- | --- |
| **a. Tribal member** |  |  |
| **b. Age minimum or maximum** |  |  |
| **c. Proficiency in Native language** |  |  |
| **d. No felony conviction** |  |  |
| **e. Residency requirement** |  |  |
| **f. Accredited law school graduate** |  |  |
| **g. Member of state bar/ Licensed to practice law by state** |  |  |
| **h. Member of tribal bar/ Licensed to practice law by tribe** |  |  |
| **i. Admitted to practice in federal court** |  |  |
| **j. No requirements for position** |  |  |

1. How many of the following types of personnel served your tribal court in calendar year 2013?

**NOTE**: “Part-time” refers to any employee who works fewer than 40 hours per week and includes job sharing. If you are unable to provide the actual number, provide your best estimate. If none, enter “0.”

|  | **Number of Court Employees** | | |
| --- | --- | --- | --- |
| **Staff Position** | **Full-time Paid** | **Part-time Paid** | **Volunteer/  Unpaid Appointee** |
| a. Trial judge |  |  |  |
| b. Appellate court judge |  |  |  |
| c. Parole or probation officer |  |  |  |
| d. Court administrator |  |  |  |
| e. Court clerk |  |  |  |
| f. Court reporter |  |  |  |
| g. Staff attorney (does not include prosecutor or public defender) |  |  |  |
| h. Law clerk |  |  |  |
| i. Tribal elder/Peacemaker/Other traditional forum staff |  |  |  |
| j. Support staff |  |  |  |
| k. Other: *(Please describe)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_*  *\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_* |  |  |  |
| **l. TOTAL NUMBER OF EMPLOYEES** |  |  |  |

1. How are the following justice system personnel selected for these positions? (Select all that apply.)

| **Staff Position** | **Appointed** | **Elected** | **Hired Under Contract** | **Hired as a Tribal Employee** |
| --- | --- | --- | --- | --- |
| a. Trial judge |  |  |  |  |
| b. Appellate court judge |  |  |  |  |
| c. Court administrator |  |  |  |  |
| d. Clerk of the court |  |  |  |  |

1. How long, in years, is the term of office for each of the following justice system personnel?

NOTE: If the position is a **lifetime** appoint, write “**L**” as your answer. If the position is served at the **pleasure of Tribal leadership/Council**, write “**P**” as your answer. If your tribal court does not utilize the position, write **“N/A”** as your answer.

|  | **Length of term**  **(In Years)** |
| --- | --- |
| a. Chief trial court judge |  |
| b. Trial court judge |  |
| c. Appellate court judge |  |
| d. Supreme court (tribal court of last resort) justice |  |

1. During 2013, did your tribal court employees receive training in any of the following areas? (Select all that apply.)

a. The Indian Child Welfare Act

b. The Violence Against Women Act[[11]](#footnote-11)

c. Funding opportunities/Grant writing

d. Criminal justice database submission or reporting

e. Domestic violence protection registry or database development

f. Responding to domestic violence, physical assault and/or sexual assault cases

g. No training was received.

h. Other: (Please describe)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. During 2013, did your tribal court receive technical assistance[[12]](#footnote-12) in any of the following areas? (Select all that apply.)

a. Tribal code development

b. Sex offender registry development or management

c. Domestic violence case management

d. No technical assistance was received.

e. Other: (Please describe)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Does your tribal court rely on state courts for any judicial services?

a. Yes

b. No

1. Does your tribal court rely on county or local government social service agencies for court-ordered treatment in juvenile and/or family cases?

a. Yes

b. No

# Section D. Appellate System

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases closed by your tribal court during the calendar year 2013. Use the following definition to determine case numbers:

A *case* is a set of all charges against a single defendant that the court handles as a single matter. A case with three defendants should be counted as three cases, but a case with one defendant with multiple charges should be counted as one case.

**NOTE:** If you are unable to provide the actual case count number, please provide your best estimate and check the “Check here if this is an estimate” checkbox.

If the case count is none, enter “0” as your answer.

If you do not track this information, please check the “Do not track these case numbers” checkbox.

1. Does your justice system have a court of appeals or participate in an intertribal appellate court?

a. Yes (Please provide the official name of the court of appeals. For example: Indian Court of Appeals)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b. No (**GO TO SECTION E**)

1. Does your appellate system include an intermediate appellate court in addition to having a court of last resort?

a. Yes, we have both an intermediate appellate court and a court of last resort. (Please provide the official name of the court of last resort. For example: Indian Supreme Court. **NOTE**: If more than one appellate court is in operation, provide the name of the Court of Last Resort only. )

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

b. No

1. How many individual judges serve as members hearing an Appellate Court case? (If your tribal court does not use an Appellate Court, enter “N/A.” **NOTE**: If more than one Appellate Court is in operation, respond for the Court of Last Resort only.) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Is a judge’s membership on an Appellate Court case permanent or rotating?

a. Tribal court does not use an Appellate Court

b. Permanent (the same members hear all appellate cases)

c. Rotating (different members hear different appellate cases)

1. Does your Tribal Council or Chief Executive have the authority to review and overturn decisions made by your tribal court?

a. Yes

b. No

1. Which of the following components does your tribal appellate court procedure contain? (Select all that apply.)

a. Filing a notice of appeal

b. Filing a transcript of trial proceedings

c. Filing written briefs

d. Court issues a written opinion

e. Court issues an oral opinion

1. Does your tribal court have a process for writ of habeas corpus[[13]](#footnote-13)?

a. Yes

b. No

c. Not sure/Do not know

1. How many appellate cases were closed by your tribal court in the calendar year 2013?
2. Criminal: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

b. Civil: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

# Section E. Tribal Prosecution

1. Does your tribal court currently have a tribal prosecutor or prosecutor’s office?

a. Yes

b. No (**GO TO ITEM E4**)

1. Which qualifications are required in order to serve in the following tribal court positions? (Select all that apply.)

|  | **Chief prosecutor** | **Assistant prosecutor** |
| --- | --- | --- |
| **a. Tribal member** |  |  |
| **b. Age minimum or maximum** |  |  |
| **c. Proficiency in Native language** |  |  |
| **d. No felony conviction** |  |  |
| **e. Residency requirement** |  |  |
| **f. Accredited law school graduate** |  |  |
| **g. Member of state bar/ Licensed to practice law by state** |  |  |
| **h. Member of tribal bar/ Licensed to practice law by tribe** |  |  |
| **i. Admitted to practice in federal court** |  |  |
| **j. No requirements for position** |  |  |

1. How are the following prosecutor’s office personnel selected for these positions? (Select all that apply.)

|  | **Appointed** | **Elected** | **Hired Under Contract** | **Hired as Tribal Employee** |
| --- | --- | --- | --- | --- |
| a. Chief prosecutor |  |  |  |  |
| b. Assistant prosecutor |  |  |  |  |

1. Does your tribe have a contract with a local or private attorney to provide prosecution services?

a. Yes

b. No

# Section F. Public Defense and Civil Legal Services

1. Does your tribal system currently have a tribal public defender or defense office?

a. Yes

b. No (**GO TO ITEM F4**)

1. Which qualifications are required in order to serve in the following tribal court positions? (Select all that apply.)

|  | **Chief public defender** | **Assistant public defender** | **Lay advocate** |
| --- | --- | --- | --- |
| **a. Tribal member** |  |  |  |
| **b. Age minimum or maximum** |  |  |  |
| **c. Proficiency in Native language** |  |  |  |
| **d. No felony conviction** |  |  |  |
| **e. Residency requirement** |  |  |  |
| **f. Accredited law school graduate** |  |  |  |
| **g. Member of state bar/ Licensed to practice law by state** |  |  |  |
| **h. Member of tribal bar/ Licensed to practice law by tribe** |  |  |  |
| **i. Admitted to practice in federal court** |  |  |  |
| **j. No requirements for position** |  |  |  |

1. How are the following public defense office personnel selected for these positions? (Select all that apply.)

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Appointed** | **Elected** | **Hired Under Contract** | **Hired as a Tribal Employee** |
| a. Chief public defender |  |  |  |  |
| b. Assistant public defender |  |  |  |  |

1. To whom does your tribe provide **free criminal defense services**? (Select all that apply.)

a. Tribe does not provide free criminal defense services. (**GO TO ITEM F7**)

b. Tribal members

c. Nonmember Indians

d. Non-Indians

e. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Are **free criminal defense services** criteria based on ability to pay?

a. Yes

b. No

1. Who delivers your tribe’s **free criminal defense services**? (Select all that apply.)

a. Tribal public defender program (fixed staff)

b. Assigned defender (appointed from a list of private bar members who accept cases on a judge-by-judge basis, court-by-court basis, or case-by-case basis)

c. Contract counsel (nonsalaried private bar members who contract with the tribal court to provide court appointed representation in a jurisdiction)

d. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Does your tribe provide access to **free civil legal services for a tribal court appearance**?

a. Yes

b. No (**GO TO SECTION G**)

1. Are **free civil legal services** criteria based on ability to pay?

a. Yes

b. No

1. Who delivers your tribe’s **free civil legal services**? (Select all that apply.)

a. Tribal public defender program (fixed staff)

b. Assigned defender (appointed from a list of private bar members who accept cases on a judge-by-judge basis, court-by-court basis, or case-by-case basis)

c. Contract counsel (nonsalaried private bar members who contract with the tribal court to provide court appointed representation in a jurisdiction)

d. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Section G. Juvenile Cases

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases closed by your tribal court during the calendar year 2013. Use the following definition to determine case numbers:

A *case* is a set of all charges against a single defendant that the court handles as a single matter. A case with three defendants should be counted as three cases, but a case with one defendant with multiple charges should be counted as one case.

**NOTE:** If you are unable to provide the actual case count number, please provide your best estimate and check the “Check here if this is an estimate” checkbox.

If the case count is none, enter “0” as your answer.

If you do not track this information, please check the “Do not track these case numbers” checkbox.

1. Which type(s) of juvenile law-violating cases does your tribal court handle? (Select all that apply.)

a. Tribal court does not handle juvenile law-violating cases. (**GO TO ITEM G11**)

b. Juvenile delinquency[[14]](#footnote-14)

c. Status offense (for example: underage drinking, tobacco smoking, truancy, running away)

d. All juvenile law-violating cases are treated as juvenile dependency[[15]](#footnote-15) or child in need of care matters.

e. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. How many juvenile law-violating cases were ***closed*** in calendar year 2013?

a. Juvenile delinquency cases \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

b. Juvenile status offense cases (for example: underage drinking, tobacco smoking, truancy, running away) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

1. How many juvenile delinquency ***closed*** by your CFR court in calendar year 2013 were for:

a. Violent crime \_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

b. Property crime \_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

1. To which juveniles does your tribe provide free legal representation servicesin juvenile law-violating cases? (Select all that apply.)

a. Tribe does not provide free legal representation services in juvenile law-violating cases. (**GO TO ITEM G8)**

b. Tribal member juveniles

c. Nonmember Indian juveniles

d. Non-Indian juveniles

1. Are the criteria for **free legal representation services in** juvenile law-violating casesbased on the family’s ability to pay?

a. Yes

b. No

1. Does your tribe use any of the following outside sources to provide **free legal representation** in juvenile law-violating cases? (Select all that apply.)

a. The tribe does not use any outside sources in juvenile law-violating cases.

b. A neighboring tribal-legal services program

c. A non-profit legal services program, including Indian Legal Services

d. A law school legal clinic

e. A private law firm or office pro bono program

f. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Excluding incarceration, which of the following sentencing options does your tribal court use in sentencing juveniles for law-violations. (Select all that apply.)

a. No other sentencing options

b. Drug or alcohol rehabilitation; random drug testing

c. Mental health assessment; counseling or therapy

d. Community service (for example: litter removal from highways, community testimonials about underage drinking or drug abuse)

e. Fine; restitution; victim-offender reconciliation

f. Electronic monitoring; probation

g. Cultural or traditional alternatives

h. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Does your tribal court maintain a probation or **parole** function for **juveniles**?

a. Yes

b. No

1. Does your tribe haveor provide access toa **reentry program** for tribal **juveniles** who have been incarcerated?

a. Yes

b. No

**Items G10 – G14 pertain to child welfare matters only.**

1. Which type(s) of Indian child welfare or dependency matters[[16]](#footnote-16) does your tribal court handle? (Select all that apply.)

a. Tribal court does not handle Indian child welfare or dependency matters. (**GO TO SECTION H)**

b. Child abuse or neglect

c. Foster care placements

d. Termination of parental rights

e. Pre-adoptive placements

f. Adoptive placements

g. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. How many child welfare or dependency cases were closed in your tribal court in calendar year 2013? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

1. How many Indian Child Welfare Act (ICWA) cases were transferred from a state court to the tribal court in calendar year 2013? \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

1. Does your tribe use any of the following outside sources to provide **free civil legal representation** to juveniles in dependency matters?

a. Tribe does not provide free legal representation services to juveniles in dependency matters.

b. Tribe does not use any outside sources.

c. A neighboring tribal-legal services program

d. A non-profit legal services program, including Indian Legal Services

e. A law school legal clinic

f. A private law firm or office pro bono program

g. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Do children in child welfare or dependency cases have access to Guardian Ad Litem (GAL) and/or Court Appointed Special Advocate (CASA) services?

a. GAL only

b. CASA only

c. Both GAL and CASA

d. No access to either service

# Section H. Domestic Violence and Protection Orders

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases closed by your tribal court during the calendar year 2013. Use the following definition to determine case numbers:

A *case* is a set of all charges against a single defendant that the court handles as a single matter. A case with three defendants should be counted as three cases, but a case with one defendant with multiple charges should be counted as one case.

**NOTE:** If you are unable to provide the actual case count number, please provide your best estimate and check the “Check here if this is an estimate” checkbox.

If the case count is none, enter “0” as your answer.

If you do not track this information, please check the “Do not track these case numbers” checkbox.

1. Does your tribal court issue restraining orders and/or protection orders to protect someone from another person committing the following acts?(Select all that apply)

a. Tribal court does not issue restraining orders and/or protection orders. (**GO TO ITEM H6)**

b. Sexual violence

c. Violent or physical act

d. Threatening act

e. Harassment

f. Contact or communication with the victim

g. Physical proximity to another person

1. How many restraining orders and/or protection orders did your tribal court issue in the calendar year 2013?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these numbers.

1. Do restraining orders and/or protection orders issued by your tribal court provide Indians and non-Indians with the same protections?

a. Yes

b. No

c. Not sure/Do not know

1. Does the state in which your tribe resides recognize restraining orders and/or protection orders issued from the tribal court?

a. Yes

b. No

c. Not sure/Do not know

1. Do restraining orders and/or protection orders issued by your tribal court qualify under the federal Gun Control Act?[[17]](#footnote-17)

a. Yes

b. No

c. Not sure/Do not know

1. Does the tribal court have rules about enforcing state-issued protection orders and judgments?

a. Yes

b. No

c. Not sure/Do not know

1. How many *domestic violence* cases were ***closed*** in your tribal or inter-tribal court in calendar year 2013?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

1. How many *sexual crimes* cases were ***closed*** in your tribal or inter-tribal court in calendar year 2013?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

1. How many *child abuse* cases were ***closed*** in your tribal or inter-tribal court in calendar year 2013?

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Do not track these case numbers

1. Did your tribal or inter-tribal court receive any federal or state grants and/or funding for domestic violence programming in calendar year 2013?

|  |  |
| --- | --- |
|  | **Received in 2013** |
| a. Federal funding |  |
| b. State funding |  |

# Section I. Enhanced Sentencing Authority and Criminal Jurisdiction

The questions in this section relate to the Tribal Law and Order Act[[18]](#footnote-18) (TLOA). Some of the provisions of Section 234 in TLOA provide for enhanced sentencing authority for Indian tribes, but also include several requirements—many related to indigent defense or public defenders—that must be fulfilled before the authority may be exercised.

1. Does your tribe currently exercise the **enhanced sentencing authority** provided by TLOA (including the authority to sentence defendants to 3 years of incarceration and up to $15,000 in fines)?

a. Yes

b. No

1. Indicate which factors, if any, your tribe has identified as preventing it from exercising the enhanced sentencing authority under TLOA. (Select all that apply.)

a. Tribe currently implements TLOA-enhanced sentencing.

b. Requires a change in tribal constitution or code

c. Requires Tribal Council to pass a resolution in favor of implementation

d. Requires qualified staff (for example: judge, defense attorney)

e. Requires ability to record court proceedings

f. Requires additional technical assistance or training

g. Requires additional funding for program implementation

h. Requires building or expanding detention facilities

i. Requires provision of jury trials

j. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Indicate whether your tribe currently meets each of the following TLOA enhanced sentencing authority requirements.

| **Requirements** | | **Yes** | **No** | **Unsure/Do not know** |
| --- | --- | --- | --- | --- |
| a. | Defendants are provided with effective assistance of counsel equal to at least that guaranteed in the U.S. Constitution. |  |  |  |
| b. | Tribal government provides a defense attorney to an indigent defendant. |  |  |  |
| c. | The defense attorney (provided to the indigent defendant by the Tribal government) is licensed to practice by any jurisdiction in the United States that applies appropriate professional licensing standards and effectively ensures the competence and professional responsibility of its licensed attorneys. |  |  |  |
| d. | Judges presiding over criminal proceedings subject to enhanced sentencing have sufficient legal training to preside over criminal trials subject to enhanced sentencing. |  |  |  |
| e. | Any judges presiding over criminal proceedings subject to enhanced sentencing are licensed to practice law by any jurisdiction in the United States. |  |  |  |
| f. | The tribe's criminal law, rules of evidence, and rules of criminal procedure are made available to the public prior to charging the defendant. |  |  |  |
| g. | Tribal court maintains a record of the criminal proceeding, including an audio or other recording. |  |  |  |
| h. | Defendant is sentenced to a facility that passes the BIA jail standards for enhanced sentencing authority (for more than one year). |  |  |  |

1. How does your tribal court system record court proceedings? (Select all that apply.)

a. We do not record court proceedings.

b. Steno type (a court reporter)

c. Audio recording

d. Video recording

e. Other: (Please describe)   
\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Does your tribal court have a process for determining that the defendant has sufficient ties to the community, including residence on the reservation, tribal employment or marriage to a tribal member?

a. Yes

b. No

c. Not sure/Do not know

**Items I6 – I8** **pertain to the Bureau of Prisons (BOP) Tribal Law and Order Act[[19]](#footnote-19).**

1. Can your tribal court sentence any defendants to be incarcerated or housed by the BOP?

a. Yes

b. No

1. Has your tribal court sentenced any defendants to be incarcerated or housed by the BOP?

a. Yes

b. No

1. Excluding incarceration, which of the following criminal **sentencing options** does your tribal court currently use for adults? (Select all that apply.)

a. No other sentencing options

b. Drug or alcohol rehabilitation; random drug testing

c. Mental health assessment; counseling and therapy

d. Community service (for example: litter removal from highways, community testimonials about DWI or drinking)

e. Fine; restitution; victim-offender reconciliation

f. Electronic monitoring; probation

g. Provide DNA samples for testing and inclusion in CODIS

h. Sex offender registration

i. Referral for Veterans Administration resources

j. Post-traumatic stress disorder assessment

k. Culturally based and traditional alternatives

l. Other: (Please describe)

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

# Section J. Information Systems Access and Data Entry

1. Does your tribal court have an official policy regarding the sharing of criminal justice information within the tribe and among its agencies?

a. Yes

b. No

1. Does your tribal court have an official policy regarding the sharing of criminal justice information with external justice agencies (for example: federal, state, other tribal, or local justice agencies)?

a. Yes

b. No

1. What method(s) does your tribal court use to manage cases?(Select all that apply.)

a. Paper files

b. Basic spreadsheets (for example: Excel, Access)

c. Basic text files (for example: Word, WordPerfect)

d. An automated case management system

e. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Is your tribal court **electronically networked** with other justice agencies within**your tribe** (for example: law enforcement, prosecution or jails/corrections)?

a. Yes

☐ b. No

1. Is your tribal court **electronically networked** with other *tribes*?

a. Yes

b. No

1. Is your tribal court **electronically networked** with other justice agencies outside**of your tribe** (for example: federal, state, local law enforcement, prosecution or jails/corrections)?

a. Yes

b. No

1. What is your tribal court’s official data-sharing policy regarding the sharing of criminal justice information (for example: court dispositions, warrants, protection orders) with the following:

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | **Required to Share Data** | **Authorized to Share Data** | **Prohibited from Sharing Data** | **No Data Policy** |
| a. Within our tribe |  |  |  |  |
| b. With other tribes |  |  |  |  |
| c. County/City |  |  |  |  |
| d. State |  |  |  |  |
| e. Federal |  |  |  |  |

1. From what agencies/entities does your tribal court access electronic data and to what agencies/entities does your tribal court transmit electronic data? (Select all that apply.)

|  |  |  |
| --- | --- | --- |
|  | **Court transmits electronic data to** | **Court accesses electronic data from** |
| a. Local justice agency (county or city) |  |  |
| b. State justice agency |  |  |
| c. FBI Criminal Justice Information Services (CJIS) |  |  |
| d. BIA Office of Justice Services |  |  |
| e. Other tribes |  |  |
| f. Other: (Please describe)  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |  |  |
| g. None of the above |  |  |

**The FBI Criminal Justice Information Services (CJIS) provides criminal justice database access and data entry for criminal justice purpose.**

1. Indicate which entities in your tribal justice system have the ability to conduct the following activities within CJIS. (Select all that apply.)

|  | **Court personnel** | **Law enforcement** | **The state conducts this activity through an agreement on behalf of the tribe** | **No access** |
| --- | --- | --- | --- | --- |
| a. Obtain criminal history information |  |  |  |  |
| b. Enter arrest data |  |  |  |  |
| c. Enter court disposition data |  |  |  |  |
| d. Enter protective orders into the National Crime Information Center[[20]](#footnote-20) (NCIC) Protection Order File |  |  |  |  |
| e. Enter arrest warrants into the NCIC Wanted Person File |  |  |  |  |
| f. Enter sex offenders into the National Sex Offender Registry[[21]](#footnote-21) (NSOR)  (NOTE: NCIC file – not NSOPW) |  |  |  |  |
| g. Submit fingerprint data to the Integrated Automated Fingerprint Identification System[[22]](#footnote-22) (IAFIS) |  |  |  |  |
| h. Enter data into the National Instant Criminal Background Check System[[23]](#footnote-23) (NICS) Index |  |  |  |  |
| i. Submit Uniform Crime Reporting (UCR) Data |  |  |  |  |
| j. Enter/Inquire into the National Data Exchange[[24]](#footnote-24) (N-DEx) |  |  |  |  |
| k. Access the Law Enforcement Online (LEO) (Note: LEO email, virtual command centers, etc.) |  |  |  |  |

1. Indicate the type of access your tribal court has to any of the FBI CJIS databases. *(Select all that apply.)*

a. Tribal court does not have access to any of the FBI CJIS databases.

b. Direct (tribal court can directly access databases)

c. Indirect (tribal court accesses databases through a State or other agency)

1. Does your tribal court maintain an electronic database of court dispositions and/or convicted persons?

a. Yes

b. No

1. To which of the following criminal history repositories does your tribal court submit final case disposition information (for example: convictions, protections orders)? (Select all that apply.)

a. Tribal repository

b. Federal repository (for example: FBI CJIS)

c. State repository

d. Local repository

e. None of the above

1. Indicate the type of cases for which your tribal court submits final case disposition information to any criminal history repository. *(Select all that apply.)*

a. Tribal court does not submit information to any criminal history repository.

b. Felony

c. Misdemeanor

d. Juvenile

e. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. How does your tribe maintain its sex offender registry (per the Adam Walsh Act[[25]](#footnote-25))?

a. Tribe does not maintain a sex offender registry.

b. Tribe maintains its own public website (connected to the National Sex Offender Public Website).

c. Tribe provides data to state/county maintained public website.

d. Other: (Please describe) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

1. Does your tribe operate its own victim notification system?

a. Yes

b. No

c. Not sure/Do not know

1. Does your tribe have an agreement with the state to participate in a state victim notification system?

a. Yes

b. No

c. Not sure/Do not know

1. Does your tribal court maintain a restraining order and/or protection order registry?

a. Yes

b. No

c. Not sure/Do not know

1. Are protection orders issued by the tribal court entered into the FBI’s NCIC Protection Order File?

a. Yes

b. No

c. Not sure/Do not know

**The survey is now complete. Thank you for taking part in the 2013 National Survey of Tribal Court Systems.**

**If you have questions or would like to speak with someone about your experience, please call toll free and leave a message at 1-877-528-4025 or send an email message to** [**NSTCS@kauffmaninc.com**](mailto:NSTCS@kauffmaninc.com)**. A member of our survey administration team will respond promptly.**

**Again, thank you for your cooperation in this important data collection effort. Your responses are critically important to the success of this survey.**

1. “Nonmember Indian” describes an individual who is a member of a tribe other than the specific tribe completing this survey. [↑](#footnote-ref-1)
2. Specialty courts can also be referred to as problem-solving courts or restorative justice courts. [↑](#footnote-ref-2)
3. Special docket refers to the official list of pending cases. These dockets have limited jurisdiction over one specific area only, such as illegal drugs, domestic violence or juvenile delinquency. [↑](#footnote-ref-3)
4. Acts committed by a juvenile that would be considered a criminal offense if committed by an adult. [↑](#footnote-ref-4)
5. For example: Child in Need of Protection or Child in Need of Aid cases. [↑](#footnote-ref-5)
6. A joint-power agreement between tribal and state governments, whereby both entities work collaboratively toward shared goals of improving access to justice, fostering public trust and increasing accountability. [↑](#footnote-ref-6)
7. Civil matters are noncriminal matters—such as contract disputes or damages for destruction of personal property—involving individuals or organizations. [↑](#footnote-ref-7)
8. Criminal matters consist of cases involving government prosecution of a person, business, or organization for a felony or misdemeanor. [↑](#footnote-ref-8)
9. Operating expenditures or budgets are defined as all recurring fixed and variable costs associated with the management and administration of your system. It does not include non-recurring fixed capital costs such as building construction and major equipment purchases. [↑](#footnote-ref-9)
10. The Indian Child Welfare Act, 25 U.S.C. § 1902. [↑](#footnote-ref-10)
11. The Violence Against Women Reauthorization Act of 2013, S.47, 113th Congress (2013). [↑](#footnote-ref-11)
12. Guidance tailored to meet the specific needs of a site’s circumstances and culture; can be provided through phone, mail, e-mail, Internet, or in-person meetings. [↑](#footnote-ref-12)
13. A petition brought before the court to determine if a defendant has been wrongfully imprisoned and to request the defendant’s release. [↑](#footnote-ref-13)
14. Acts committed by a juvenile that would be considered a criminal offense if committed by an adult. [↑](#footnote-ref-14)
15. For example: Child in Need of Protection or Child in Need of Aid cases. [↑](#footnote-ref-15)
16. For example: Child in Need of Protection or Child in Need of Aid cases. [↑](#footnote-ref-16)
17. The Gun Control Act (18 U.S.C. Chapter 44) is a federal statute regulating the sale and manufacturing of firearms. [↑](#footnote-ref-17)
18. Tribal Law and Order Act, of 2010, 25 U.S.C. § 2802 (2010). [↑](#footnote-ref-18)
19. TLOA created a pilot program that authorizes the Bureau of Prisons (BOP) to house a limited number of certain offenders sentenced in tribal courts. [↑](#footnote-ref-19)
20. The National Crime Information Center (NCIC) is a comprehensive crime related database maintained by the Federal Bureau of Investigation. [↑](#footnote-ref-20)
21. The National Sex Offender Registry is a tracking system maintained and utilized by the Department of Justice and cooperating agencies to track the location of convicted sex offenders. [↑](#footnote-ref-21)
22. The Integrated Automated Fingerprint Identification System is a national fingerprint and criminal history system that provides automated fingerprint search capabilities, latent search capability, electronic image storage, and electronic exchange of fingerprints and responses. [↑](#footnote-ref-22)
23. The National Instant Criminal Background Check System (NICS) is a point-of-sale system utilized by Federal Firearms Licensees (FFLs) to determine eligibility requirements for purchasing firearms (for example: orders adjudicating a person mentally incompetent or committed to a mental institution; all federal firearm prohibitions listed under Title 18 USC 922 subsections (g) and (n)). [↑](#footnote-ref-23)
24. The Law Enforcement National Data Exchange (N-DEx) is an information-sharing repository consisting of criminal justice data from local, state, tribal and federal agencies. [↑](#footnote-ref-24)
25. The Adam Walsh Act is a federal statute requiring convicted sex offenders to register on a national sex offender registry. [↑](#footnote-ref-25)