2013 National Survey of Tribal Court Systems:
Courts of Federal Regulations

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 CFR courts individually, but it also helps in the planning for tribal justice systems across Indian country.

Survey sent to:

Name of the Court of Indian Offenses/Court of Federal Regulations:

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

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 requiredof 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. Administration and Operation

**This survey gathers information on the various components of the court system, including law enforcement, the court, and corrections. Courts of Indian Offenses (also known as Code of Federal Regulations Courts) are courts operated by the Department of Interior, Bureau of Indian Affairs, on certain reservations. These courts operate under federal regulations contained in Title 25, Part 11, of the Code of Federal Regulations and for this reason are often referred to as “CFR courts.”**

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases closed by your CFR 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 tribes are under the jurisdiction of this Code of Federal Regulations Court (CFR court)? (Please specify.)\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_
2. Which law enforcement agencies provide the policing function on the Indian country (as defined in 18 U.S.C. 1151 and by Federal court precedent) over which your CFR court has jurisdiction? *(Select all that apply.)*

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

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

[ ]  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)

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

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

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

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

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

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

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

1. How many civil cases wereclosed in your CFR court in calendar year 2013?
2. Traffic cases: \_\_\_\_\_\_\_\_\_\_

[ ]  Do not track these case numbers

1. Non-traffic cases\_\_\_\_\_\_\_\_\_\_

[ ]  Do not track these case numbers

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

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

[ ]  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. Over what type(s) of defendant does your CFR court exercise criminal jurisdiction? (Select all that apply.)

[ ]  a. Tribal members

[ ]  b. Nonmember Indians

1. Does your CFR court operate a pre-trial release program?

[ ]  a. Yes

[ ]  b. No

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

[ ]  a. Yes

[ ]  b. No

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

[ ]  a. CFR court does not use any type of alternative dispute resolution.

[ ]  b. Arbitration (formal)

[ ]  c. Elder panels

[ ]  d. Talking circles

[ ]  e. Family conferences

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

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

[ ]  Do not track these case numbers

1. How often does your CFR 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 CFR court for adjudication functions, excluding capital outlays for construction? (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. 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

1. Which of the following positions andservices were funded totally or in part by your CFR court’soperating budget in 2013? (Select all that apply.)

| **Core Court Positions and Services** | **Funded in 2013 Budget** |
| --- | --- |
| a. Magistrates |[ ]
| 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[[1]](#footnote-1) 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 CFR court positions? (Select all that apply.)

|  | **Trial Magistrates** | **Appellate court Magistrates**  |
| --- | --- | --- |
| **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 where the CFR court is located** | [ ]  | [ ]  |
| **h. Member of tribal bar/Licensed to practice law by tribe** | [ ]  | [ ]  |
| **i. Admitted to practice in federal court** | [ ]  | [ ]  |

1. How many of the following **types of personnel** served your CFR 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 Magistrate |  |  |  |
| b. Appellate court Magistrate |  |  |  |
| 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 CFR court personnel selected for their positions? (Select all that apply.)

|  | **Appointed** | **Elected** | **Hired Under Contract** | **Hired as a BIA Employee** |
| --- | --- | --- | --- | --- |
| a. Court administrator | [ ]  | [ ]  | [ ]  | [ ]  |
| b. Clerk of the court | [ ]  | [ ]  | [ ]  | [ ]  |

1. During 2013, did your CFR 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[[2]](#footnote-2)

[ ]  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 CFR court receive technical assistance[[3]](#footnote-3) 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 B. Appellate System

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases closed by your CFR 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 C**)

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. How many trial court cases were appealed ***to*** the appellate court in the calendar year 2013?
2. Criminal: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  Do not track these case numbers

1. Civil: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  Do not track these case numbers

# Section C. Prosecution and Indigent Defense

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

[ ]  a. Yes

[ ]  b. No

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

[ ]  a. Yes

[ ]  b. No

1. To whom does your CFR court provide **free criminal defense services**?

[ ]  a. CFR court does not provide free criminal defense services. (**GO TO ITEM C6**)

[ ]  b. Tribal members

[ ]  c. Nonmember Indians

[ ]  d. Non-Indians

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

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

[ ]  a. Yes

[ ]  b. No

1. Who delivers your CFR court’s **free criminal defense services**?

[ ]  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 CFR court provide **free civil legal services for a tribal court appearance**?

[ ]  a. Yes

[ ]  b. No (**GO TO SECTION D**)

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

[ ]  a. Yes

[ ]  b. No

1. Who delivers your CFR court’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 D. Juvenile Cases

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases closed by your CFR 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[[4]](#footnote-4) does your CFR court handle? (Select all that apply.)

[ ]  a. CFR court does not handle juvenile law-violating cases. (**GO TO ITEM D11**)

[ ]  b. Juvenile delinquency[[5]](#footnote-5)

[ ]  c. Status offense[[6]](#footnote-6) (for example: underage drinking, tobacco smoking, truancy, running away)

[ ]  d. All juvenile law-violating cases are treated as juvenile dependency[[7]](#footnote-7) 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 \_\_\_\_\_\_\_\_\_\_\_\_\_

[ ]  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. Does your CFR court operate a pre-trial release program *for juveniles*?

[ ]  a. Yes

[ ]  b. No

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

[ ]  a. Yes

[ ]  b. No

1. To which juveniles does your CFR court provide **free legal representation services** in juvenile law-violating cases? (Select all that apply.)

[ ]  a. CFR court does not provide free legal representation services in juvenile cases. (**GO TO ITEM D9**)

[ ]  b. Tribal member juveniles

[ ]  c. Nonmember Indian juveniles

[ ]  d. Non-Indian juveniles

1. Are the criteria *for* **free legal representation services** based on the family’s ability to pay?

[ ]  a. Yes

[ ]  b. No

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

[ ]  a. CFR court does not use any outside sources.

[ ]  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. Does your CFR court maintain a probation or **parole** function for **juveniles**?

[ ]  a. Yes

[ ]  b. No

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

[ ]  a. Yes

[ ]  b. No

1. Which type(s) of Indian child welfare or dependency matter(s) [[8]](#footnote-8) does your CFR court handle? (Select all that apply.)

[ ]  a. CFR court does not handle Indian child welfare or dependency matters. (**GO TO SECTION E**)

[ ]  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 CFR 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 your CFR court in calendar year 2013?

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

[ ]  Do not track these case numbers

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

[ ]  a. CFR court does not provide free legal representation services to juveniles in dependency matters.

[ ]  b. We do 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 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 E. Domestic Violence and Protection Orders

**DIRECTIONS:** For survey items requesting case count information, please provide the total number of cases closed by your CFR 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 CFR court issue restraining orders and/or protection orders to protect someone from another person committing the following acts?(Select all that apply)

[x]  a. CFR court does not issue restraining orders and/or protection orders. (**GO TO QUESTION E7**)

[ ]  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 CFR court issue in the calendar year 2013?

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

[ ]  Check here if this is an estimate.

1. Do restraining orders and/or protection orders issued by your CFR 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 CFR court resides recognize restraining orders and/or protection orders issued from the CFR court?

[ ]  a. Yes

[ ]  b. No

[ ]  c. Not sure/Do not know

1. Do restraining orders and/or protection orders issued by your CFR court qualify under the federal Gun Control Act?[[9]](#footnote-9)

[ ]  a. Yes

[ ]  b. No

[ ]  c. Not sure/Do not know

1. Does the CFR 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 CFR court in calendar year 2013?

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

[ ]  Do not track these case numbers

1. How many *sexual crimes* cases were ***closed*** in your CFR court in calendar year 2013?

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

[ ]  Do not track these case numbers

1. How many *child abuse* cases were ***closed*** in your CFR court in calendar year 2013?

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

[ ]  Do not track these case numbers

# Section F. Information Systems Access and Data Entry

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

[ ]  a. CFR court does not record court proceedings.

[ ]  b. Steno type (a court reporter)

[ ]  c. Audio recording

[ ]  d. Video recording

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

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

|  | **CFR court accesses electronic data from**  | **CFR court transmits electronic data to**  |
| --- | --- | --- |
| 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 purposes.**

1. Indicate which entities in your CFR court system have the ability to conduct the following activities with CJIS. (Select all that apply.)

|  | **CFR court personnel** | **Tribal or BIA law enforcement** | **The state conducts this activity through an agreement on behalf of the CFR court** | **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[[10]](#footnote-10) (NCIC) Protection Order File |[ ] [ ] [ ] [ ]
| e. Enter arrest warrants into the NCIC Wanted Person File |[ ] [ ] [ ] [ ]
| f. Enter sex offenders into the National Sex Offender Registry[[11]](#footnote-11) (NSOR) (NOTE: NCIC file – not NSOPW) |[ ] [ ] [ ] [ ]
| g. Submit fingerprint data to the Integrated Automated Fingerprint Identification System[[12]](#footnote-12) (IAFIS) |[ ] [ ] [ ] [ ]
| h. Enter data into the National Instant Criminal Background Check System[[13]](#footnote-13) (NICS) Index  |[ ] [ ] [ ] [ ]
| i. Submit Uniform Crime Reporting (UCR) Data |[ ] [ ] [ ] [ ]
| j. Enter/Inquire into the National Data Exchange[[14]](#footnote-14) (N-DEx) |[ ] [ ] [ ] [ ]
| k. Access the Law Enforcement Online (LEO) (Note: LEO email, virtual command centers, etc.) |[ ] [ ] [ ] [ ]

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

[ ]  a. CFR 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 CFR 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 CFR 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. How does your CFR court maintain its sex offender registry (per the Adam Walsh Act[[15]](#footnote-15))?

[ ]  a. CFR court does not maintain a sex offender registry.

[ ]  b. CFR court 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 CFR court operate its own victim notification system?

[ ]  a. Yes

[ ]  b. No

[ ]  c. Not sure/Do not know

1. Does your CFR court 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 CFR 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 your CFR court entered into the FBI’s National 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 CFR 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****. 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. The Indian Child Welfare Act, 25 U.S.C. § 1902. [↑](#footnote-ref-1)
2. The Violence Against Women Reauthorization Act of 2013, S.47, 113th Congress (2013). [↑](#footnote-ref-2)
3. 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-3)
4. Any case involving a juvenile offender. [↑](#footnote-ref-4)
5. Acts committed by a juvenile that would be considered a criminal offense if committed by an adult. [↑](#footnote-ref-5)
6. 25 CFR § 11.900(m) - Status offense means an offense which, if committed by an adult, would not be designated a crime under this part or under an ordinance of the tribe. [↑](#footnote-ref-6)
7. For example: Child in Need of Protection or Child in Need of Aid cases. [↑](#footnote-ref-7)
8. For example: Child in Need of Protection or Child in Need of Aid cases. [↑](#footnote-ref-8)
9. The Gun Control Act (18 U.S.C. Chapter 44) is a federal statute regulating the sale and manufacturing of firearms. [↑](#footnote-ref-9)
10. The National Crime Information Center (NCIC) is a comprehensive crime related database maintained by the Federal Bureau of Investigation. [↑](#footnote-ref-10)
11. 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-11)
12. 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-12)
13. 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-13)
14. 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-14)
15. The Adam Walsh Act is a federal statute requiring convicted sex offenders to register on a national sex offender registry. [↑](#footnote-ref-15)