



## Summary of the Tribal Leaders Webinar for the 2024 Census of Tribal Law Enforcement Agencies (CTLEA) and the 2024 Census of Tribal Court Systems (CTCS)

American Indian and Alaska Native tribal leaders from throughout the United States attended a webinar on February 7, 2024 to discuss relevant topics and concerns in collaboration with the upcoming 2024 Census of Tribal Law Enforcement Agencies (CTLEA) and the 2024 Census of Tribal Court Systems (CTCS). This summary contains key findings to be incorporated into the questionnaire developments for CTLEA and CTCS.

### Key Findings

- COVID had a substantial impact across many tribal justice systems.
- Other common external factors that impacted systems included special tribal criminal jurisdictions, decriminalizing drugs, and changes to state laws.
- Mental health access and lack of engagement with these services are concerns of many leaders.
- Drugs, specifically fentanyl, opioids, and overdoses, are of significant concerns for tribal communities.

### External Factors and Influences

Tribal leaders identified COVID as the most common external factor that impacted their tribal justice systems in recent years. Other factors affecting the justice systems include state laws, major changes to state drug policies, decriminalizing drugs, and having special tribal criminal jurisdictions.

Tribal justice systems have seen recent changes including new programs, specialty courts, modernized practices, and jurisdiction boundaries.

Systems utilize alternative practices to arrest and incarceration. These methods include diversion programs like wellness and mental health courts, treatment programs for drugs, alcohol, and mental health, tribally operated halfway houses, peer recovery, and electronic home detention. Systems may also assign essays, community service, additional office visits, or increase probation time.

All leaders had their tribal justice system budgets increased within the past 5 years. These budgetary increases were mostly driven by increases in the number of cases, including more felony cases and diversion cases. Raised budgets were also used for hiring and retention of officers and dispatchers, along with an increase for wellness courts.

### New Practices and Topics in Crime and Crime Prevention

Leaders identified the most common emerging crime and public safety issue impacting their communities as fentanyl and opioid use. Other common concerns included behavioral and mental health access, difficulties finding qualified candidates for open positions, and lack of collaboration between sovereign and local officials.

Leaders engage with their communities on crime prevention in a variety of ways including community meetings and conferences, social media, surveys, and conversations with community members.

Tribal justice systems have many strengths that contribute to their success. Many strengths revolved around the staff including being fully staffed with low turnovers, technical expertise, and the staff's teamwork capabilities. Other strengths include supportive communities, support from DOJ programs, relationships with Tribal Council, separation of powers, and the impartiality of judges.



## Summary of the Tribal Law Enforcement Webinar for the 2024 Census of Tribal Law Enforcement Agencies

American Indian tribal and Alaska Native village law enforcement leaders attended a webinar on February 12, 2024, to discuss relevant topics and concerns in collaboration with the upcoming 2024 Census of Tribal Law Enforcement Agencies (CTLEA). This summary contains key findings to incorporate into CTLEA questionnaire development.

### Key Findings

- Community engagement was cited as a significant factor contributing to the successful functioning of tribal law enforcement agencies, in addition to well-trained staff, adequate funding, collaborative partnerships, and a long-term plan with clear metrics.
- The top ways agencies engage with the community to address and prevent crime are by being visible and approachable, using social media for outreach and communication, and taking direct reports from tribal members. Engagement with youth through sports, camping, and social events is cited as another positive contributor to community engagement.
- Recruitment and retention of qualified officers was a top challenge faced by many tribal law enforcement agencies. Other significant challenges include inadequate funding and lack of collaboration or cooperation from federal, state, and local jurisdictions.
- Top factors contributing to successful collaboration with other agencies or jurisdictions include establishing memorandums of understanding (MOUs), being a multi-jurisdictional agency, cross-commissioning, interagency training, and good working relationships among officers.
- Tribal law enforcement officers respond to a range of call types, with the most common being drug and alcohol-related crimes, domestic violence, trespassing, and theft.

### Data Collection

Tribal law enforcement agencies collect data as part of their operational procedures. Crime and service data often collected include the number and types of calls, unit statistics, and vehicular and traffic data. Administrative and personnel information tracked by agencies includes data on hiring, training, and use of force. Reporting for audits and NIBRS are also focal points of data collection. Data not routinely collected that tribal law enforcement leaders believe would improve operations includes the number of overdose-related deaths, criminal history, the community's public safety priorities, and staff wellness.

### Addressing and Preventing Crime Through Collaboration

To address and prevent crime, tribal law enforcement collaborates with other jurisdictions and the community. Successful strategies for cross-jurisdictional collaboration include memorandums of understanding and mutual aid, cross-commissioning, specialized teams, taskforces, and sharing information and resources. Community collaboration is built by being visible and approachable, engaging positively with youth through sports and schools, participating in community events and meetings, and using a tribal bulletin board or tribal information network (TIN) for communication.





## Summary of the Tribal Courts Webinar for the 2024 Census of Tribal Court Systems

American Indian and Alaska Native tribal court leaders from throughout the United States attended a webinar on February 21, 2024 to discuss relevant topics and concerns in collaboration with the upcoming 2024 the 2024 Census of Tribal Court Systems (CTCS). This summary contains key findings to be incorporated into the questionnaire developments for CTCS.

### Key Findings

- Separation of Functions/Judicial Independence and Court Services were identified as the greatest strength/success for tribal courts who participated in the webinar.
- Behavioral health and lack of treatment facility along with wage compensation and lack of support from tribal leadership are challenges that tribal courts are facing most frequently.
- While some courts feel like they are collecting everything that has occurred to them, there was data court do not collect but would improve court operations including data to track the life of a case, social service agency data, reoffender's list, and information on diversion prior to filing cases.
- Tribal courts would like to collaborate with other jurisdictions, but do not have the capacity to implement.

### Court Practices and Daily Operations

Tribal courts identified their court strengths and successes come from internal and external factors. Tribal courts have staff who practice teamwork and have experience. The staff is led by good leadership. Strong appellate systems and well-reasoned decisions ground their courts as well as separation of functions and judicial independence. Having an engaged community and court services make successful tribal courts. Access to legal aid programs, public defender's offices, and multi-jurisdictional tribal judge's association also strength tribal court systems.

Tribal justice systems operate court systems that hear civil and criminal cases. There are Healing to Wellness Courts, Traditional Courts, Peacemaking Circles, Appellate Courts, and Supreme Courts in Indian Country. They hear a broad range of cases from natural resource matters to conservatorships.

Enduring and emerging challenges facing tribal court systems usually revolve around the lack of access to resources. These can be related to services (behavioral health, no treatment facilities, or shortage of foster care homes), access to justice (no legal assistance, no law enforcement, or jurisdiction issues), or daily operations (staff, wage compensation, technology, space, or lack of policy). Other emerging issues revolve around technology whether zoom hearings, transitioning back to in-person hearings, or artificial intelligence (AI).

### Data Collection

Despite a lack of access to resources, tribal courts collect a wide range of data. It appears tribal courts are collecting everything that is trackable is recorded. This data includes, number of cases filed, number of cases closed, number of hearings, mediation agreements reached, warrants, fines and fees, and failures to pursue/appear to name a few.

Tribal courts use a number of different case management systems. However, tribal courts also use Excel and handwritten logs to track data. While tribal courts share this data with tribal (internal court staff,



Tribal Council, Finance Department, or other tribes), state, and federal agencies, some tribal courts limit their data sharing to tribal membership.

There were a few areas where data could be collected to help improve court operations, but is not collected due to capacity. Data from other agencies like social services and law enforcement would be useful. Client-centered data would be helpful including how many clients have civil and criminal cases and the life of those cases and their access to public defenders or private counsel as well individuals accessing self-help forms.

**Promising Practices in Tribal Courts**

Tribal courts identified a number of promising practices and successful strategies that they have recently adopted. Some of these involve the approach including holistic, trauma-informed, restorative, or involving the family. Others are types of courts including treatment courts, problem solving courts, family courts, peacemaking courts, Healing to Wellness courts, school justice/teen court, or joint jurisdiction courts. Virtual hearings were one practice recently adopted by several courts. Additional practices and strategies identified include cultural strategies (i.e. elders panels), juvenile diversion programs, culture based alternative dispute resolution, and alternatives to probation.

Tribal courts know these practices and strategies work because of data, training, conferences, and feedback. There is also a process evaluation of court goals and health system development. Data includes decrease in foster care placements, less at-risk victimization, less dependency filings, lower recidivism, fewer bond violations, and less probation violations. There has been improved communication with all court partners, more help with required services, and space to allow families and communities to develop solution for safety within the tribe.

Tribal courts incorporate culture and tradition into their practices. These practices include the incorporation of language and values, culture activities and classes, elders for panels or as part of community services, and healing circles. Prayer and burning sage are also used in tribal courts. While some practices may be informal, these practices are incorporated into codes and phases of courts.