



U.S. Department of Justice
Office of Justice Programs

Presented by
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Current Tribal-Related Data Collection Efforts at the Bureau of Justice Statistics

14th National Indian Nations Conference

Palm Springs, CA

December 12, 2014



BUREAU OF JUSTICE STATISTICS



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State and Local Justice Agencies Serving Tribal Lands

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Background – Necessity for More Research

- ❖ The Tribal Law and Order Act of 2010 (TLOA; P.L. 111-211, 124 Stat. 2258, Section 251(b)) requires that Bureau of Justice Statistics (BJS) establish and implement a tribal data collection system and to support tribal participation in national records and information systems.

- ❖ BJS has over 40 data collections. However, coverage of crime and justice services in Indian country is limited.



Statement of the Problem—Necessity for Research

- ❖ Current need for quantitative research on crime in Indian Country

- ❖ There are few large and/or representative data collections that allow for the following comparisons:
 - Crime rates in PL-280 vs. non PL-280 states

 - Operational capacity of state and local police and prosecutor offices that provide services to tribes

 - Types of justice services provided to tribes by state and local police, prosecutor offices and courts



State and Local Justice Agencies Serving Tribal Lands

- ❖ There is a gap in our understanding of the work done by state and local law enforcement agencies and state and local prosecutor offices that have responsibilities to provide justice services on tribal lands due to legislation (e.g., Public Law 83-280) or consensual agreements between tribal, state, and local governments.
- ❖ These surveys will solicit information on :
 - 1) Jurisdiction
 - 2) Administrative procedures and practices
 - 3) Provided services, Training and reporting capabilities
 - 4) Tribal caseloads



The List of Agencies that Serve Tribal Lands

- ❖ **Census of State and Local Law Enforcement Agencies (CSLLEA), 2013**
 - Contains item asking if the agency serves tribal lands
- ❖ **National Survey of Prosecutors (NSP), 2013**
 - Contains item asking if the agency serves tribal lands

These lists will provide the basis for:

- 1) **Census of State and Local Law Enforcement Agencies that Serve Tribal Lands, 2014**
- 2) **Census of Prosecutor Offices that Serve Tribal Lands, 2014**



State and Local Justice Agencies Serving Tribal Lands

Census of State and
Local Law Enforcement
Agencies that Serve
Tribal Lands

Census of State and Local
Prosecutor Offices that Serve
Tribal Lands

Expected N=3000-5000
Agencies

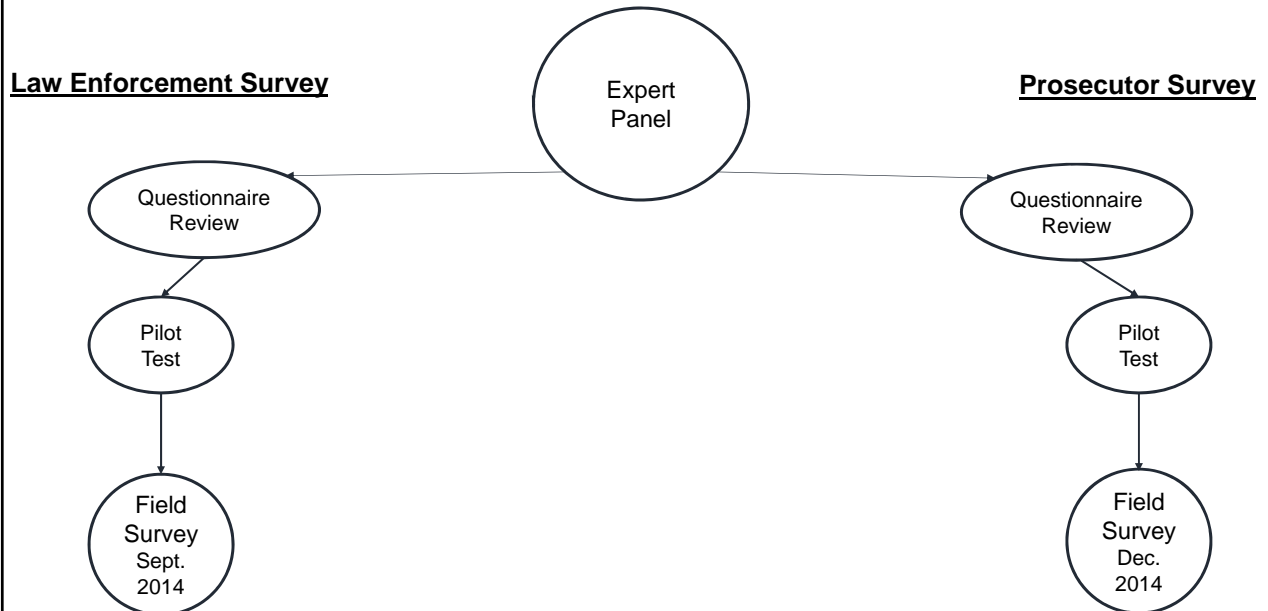
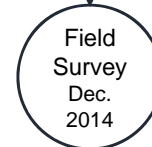
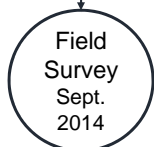
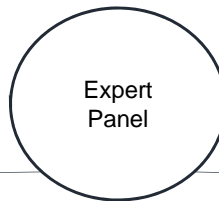
Expected N=200-400 Offices



PROJECT PATH

Law Enforcement Survey

Prosecutor Survey



Key Estimates—Law Enforcement Survey

Section A: Agreements/Contracts/ Functions Performed/Information sharing

- ❖ Total law enforcement agencies that “serve” tribes
- ❖ Total tribes provided with services by state and local law enforcement agencies
 - Number of agencies that serve one tribe versus multiple tribes
- ❖ Percentage of tribes served by state and local law enforcement agencies that have a tribal law enforcement agency
- ❖ Percent of state and local law enforcement agencies with memorandums of understanding or contracts for service with tribes
- ❖ Percent of state and local law enforcement agencies with informal or other type of agreements



Key Estimates—Law Enforcement Survey

Section A: Functions Performed/Information sharing

- ❖ Number of state and local law enforcement agencies that perform patrol, response and criminal investigation functions for tribes or on tribal lands
- ❖ Number of state and local law enforcement agencies that operate jails; temporary holding facilities; and perform booking and release of inmates who commit crimes on tribal lands
- ❖ Percentage of state and local law enforcement agencies that share information with tribal government/tribal justice agencies
- ❖ Percentage of state and local law enforcement agencies that meet with tribal leadership on a weekly, monthly or annual basis for purposes of strategic planning, joint exercises, information sharing, etc...



Key Estimates—Law Enforcement Survey

Section B: Operations –Staffing/Budgets/Training

- ❖ Percentage of full-time sworn officers, staff (technicians, analysts, other) assigned to Indian Country
 - Percentage of officers stationed specifically on tribal lands
 - Race/ethnicity, gender, of officers/staff serving tribes
- ❖ Proportion of staff time allocated to tribal cases/services in estimated hours
- ❖ Percentage of operating budget allocated to tribal cases and services
- ❖ Percentage of state and local agencies that coordinate training efforts with tribal governments/tribal police
- ❖ Percentage of state and local agencies with cross-deputization agreements



Key Estimates—Law Enforcement Survey

Section C: Caseloads—Total reported crimes on and off tribal lands

- ❖ Total incidences reported by UCR category
- ❖ Total incidences reported on tribal lands by UCR category
- ❖ Total incidences reported off tribal lands by UCR category



Law Enforcement Questionnaire—Screeners Questions

Your agency has been selected for this survey based on an affirmative response on the Census of State and Local Law Enforcement Agencies (CSLLEA) to an item that asks if the agency provides law enforcement services on tribal lands. Please confirm this statement:



Law Enforcement Questionnaire—Screeners Questions

S1. In 2014 did your agency provide law enforcement services (e.g., make arrests, investigate crimes) on tribal lands? The term “tribal lands” includes areas labeled Indian Country, federal or state recognized reservations, trust lands, Alaska Native villages, and/or tribal communities.

1. Yes
2. No—Please stop here and mail/fax survey to the location provided on the previous page.



Prosecutor Questionnaire—Screeners Questions

Your office has been selected for this survey based on an affirmative response on the National Survey of Prosecutors (NSP) to an item that asks if your office prosecutes criminal cases where the crime occurred on tribal lands. The term *tribal lands* includes areas labeled Indian Country, federal or state recognized reservations, trust lands, Alaska Native villages, and/or tribal communities. Please confirm this statement:



Prosecutor Questionnaire—Screeners Questions

S1. In 2014 did your office have jurisdiction to prosecute criminal offenders who allegedly committed their crimes on tribal lands?

Yes—skip to S3

No—please answer S2



Prosecutor Questionnaire—Screeners Questions

S2: In 2014 did your office provide any other justice services or participate in justice-related activities on tribal lands? Some examples of other services and activities include participation in task forces, victim notification, consulting services, training and technical assistance.

1. Yes
2. No—Please stop here and mail/fax survey to the location provided on the previous page.



Law Enforcement Questionnaire—Sample Items

A17. How often did your agency meet with tribal leadership?

1. At least once a week
2. Once a month
3. A few times a year
4. Once during the previous year



Law Enforcement Questionnaire—Sample Items

B11. Do officers receive training on tribal jurisdiction, law, and/or culture prior to working in Indian Country and with American Indian/Alaska Native people including Tribal Communities?

1. Yes
2. No—Skip to B13



Law Enforcement Questionnaire—Sample Items

B13. Does your agency cross-deputize officers?

1. Yes
2. No—Skip to B16



Moving Forward: Concerns and Questions

- ❖ The total number of state and local law enforcement agencies and offices of prosecution serving tribes are unknown.
- ❖ Can we expect local agencies and offices to have detailed information on arrests and caseloads, including demographic information and tribal affiliation of offender/victims?
- ❖ Jurisdictional issues are complicated and vary on a case-by-case basis.
- ❖ What are the appropriate methods for enumerating multiple tribes served and functions/operations performed across multiple lands?



Moving Forward: Concerns and Questions

- ❖ What does an informal agreement between state and local police/prosecutors and tribes look like?
- ❖ How do relationships change when there are existing tribal police and/or court systems on tribal lands in a PL 280 state?
- ❖ How do joint jurisdictional collaborations affect the justice process in PL 280 and non-PL 280 states?
- ❖ Are tribes able to access police and court records? How do state and local police and prosecutors provide this information to tribal governments?



Thank you!

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This presentation is released to inform interested parties of (ongoing) research and to encourage discussion (of work in progress). Any views expressed are those of the presenter and do not necessarily represent the official opinion and policies of the Bureau of Justice Statistics or the Department of Justice.

