

TLOA Tribal Justice Plan: Overview & Update on Implementation

Wednesday, September 19, 2012
3:00 p.m. - 4:30 p.m. ET

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Slides from this session will be available on (<http://tloa.ncai.org/>),
(<http://www.ncja.org/webinar>),
(www.bja.gov/ProgramDetails.aspx?Program_ID=88) .

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Q&A

Webinar Roadmap

3:00 – 3:10 p.m.	Welcome/Logistics/Polls/Introductions
3:10 – 3:28 p.m.	TJP Introduction & Overview
3:28 - 3:45 p.m.	Implementation Activities
3:45 - 3:48 p.m.	Outreach Meetings
3:48 – 4:27 p.m.	Question & Answer Session
4:27-4:30 p.m.	Wrap up and Adjourn

TJP Introduction & Overview

Tribal Law and Order Act Directive:

- **On July 29, 2010, Congress passed and the President signed into law the Tribal Law and Order Act (TLOA). Congress directed that the Departments of Justice (DOJ) and Interior (DOI) develop, in consultation with Tribal Leaders and tribal justice professionals, a long-term plan to address incarceration and the alternatives to it in Indian country.**
- **DOJ and DOI obtained substantial input from Tribal Leaders and justice officials, conducting a series of listening sessions, focus groups, and webinars and releasing a draft plan for comments, which were incorporated into the final Tribal Justice Plan.**

The Tribal Justice Plan

- On August 5, 2011, the Long Term Plan to Build and Enhance Tribal Justice Systems (Tribal Justice Plan) was released to Congress.
- The Tribal Justice Plan addresses:
 - Incarceration in Indian Country,
 - Alternatives to incarceration, and
 - Reentry of tribal members from prison back to their community.

Key Themes in the Tribal Justice Plan

- **Establishing alternatives to incarceration should be the major focus.**
- **The plan should be implemented in consultation and collaboration with Tribal Leaders and should be flexible enough to allow tribes to develop strategies tailored to their specific public safety needs and tribal history and culture.**
- **The plan should coordinate federal, tribal, state, and local government resources to support operations, programming in tribal justice systems, and critical infrastructure issues with tribal correctional facilities, fully mindful of the sovereign status of tribes in these coordination efforts.**

Progress Made to Date

Bureau of Justice Assistance

Alternatives to Incarceration

- Completed a study of strategies to validate an offender risk assessment tool (LSI-R) to be used in Indian Country justice systems.
- Expanded the scope of the FY 2012 Coordinated Tribal Assistance Solicitation, Purpose Area 3 (Justice Systems and Indian Alcohol and Substance Abuse) to fund electronic alcohol/offender monitoring devices and related equipment.
- In FY 2012, selected a training and technical assistance provider to assist tribes in implementing electronic monitoring programs.

Progress Made to Date

Bureau of Justice Assistance

Alternatives to Incarceration

- BJA completed a preliminary assessment of witness intimidation in Indian Country, inquiring into the nature and extent of witness intimidation and its impact on tribal justice systems and tribal communities.
- Through the FY 2012 Tribal Capacity Development Solicitation, selected a partner to conduct a pilot in tribal communities of the use of offender-risk assessment tools in tribal justice, from entry at arrest to community reentry.

Progress Made to Date

Bureau of Justice Assistance

Tribal Justice Systems Infrastructure

- In CTAS, expanded the scope of Purpose Area 4 (Correctional Systems and Correctional Alternatives on Tribal Lands) to allow for construction or renovation of multi-purpose justice centers, treatment centers, and other alternatives to incarceration buildings including transitional housing.
- In FY 2011, selected new partner to offer technical assistance to Tribes on correctional issues including assessing need, developing a master plan, and leveraging resources to build, operate, and *renovate/maintain* these facilities.

Progress Made to Date

Bureau of Justice Assistance

Reentry

- In FY 2012, all Second Chance Act solicitations included Tribes as eligible applicants and conducted outreach to increase awareness of this funding.
- BJA is currently seeking input from tribal justice systems and SCA tribal grantees on ways to make the SCA funding and support for tribal reentry more accessible for Tribes.

Progress Made to Date

Bureau of Justice Assistance

Intergovernmental Collaboration

- BJA has invested resources to promote coordination and collaboration between tribe-state criminal justice entities and, where appropriate, federal entities. These regional activities have occurred in MN in 2011 and is scheduled in ND in November.
- In February 2012, “Walking on Common Ground” web site (www.WalkingOnCommonGround.org) went live. It highlights tribal-state courts collaboration, promising practices, and provides resources such as toolkits.

Progress Made to Date

BIA Office of Justice Services

- **Develop a system of alternatives to incarceration.** Identify the points in the system where incarceration occurs, examine the reasons why, and explore alternative evidence-based practices to safely monitor the offender in the community.
- **Ensure that tribal jails comply with standards.** Issues such as inmate classification, health services, sanitation, preventative maintenance, discipline, grievance procedures, offender services, and activities are addressed. (PREA)
- **Develop data-driven, comprehensive programming.** Use planning data and validated risk assessment tools to assess key trends in tribal jail population and define critical programming and partners. Support research to identify effective methods in Tribal Nations.

Progress Made to Date

BIA Office of Justice Services

Develop a system of alternatives to incarceration.

- Develop a crawl, walk, run approach to incarceration with treatment at every step.
- Currently, each of the Federal agencies, who have responsibility in this area (BIA, DOJ, IHS, SAMHSA) and their respective OMB examiners meet tri-weekly to identify ways to turn the collaborative efforts into local realities.
- BIA has funded pilot programs which provide tribal judges sentencing alternatives such as ankle bracelets with alcohol monitoring devices.
- BIA is coordinating with DOJ to work on providing training for tribal judges on alternative sentencing options.

Progress Made to Date

BIA Office of Justice Services

Ensure that tribal jails comply with standards.

- Policy was developed and enacted January 25, 2011.
- The BIA / OJS has developed, in addition to guidelines, a guidebook and a self-assessment tool to accompany the standards for those tribes that are seeking approval for long term detention.

Progress Made to Date

BIA Office of Justice Services

Develop data-driven, comprehensive programming.

- Recently we developed a method and means to collect and report summary data that will identify trends in the tribal jail population.
- Data collected will provide high-level information pertaining to the daily inmate count at Bureau detention centers and will summarize the number of inmates that are incarcerated due to alcohol and drug related charges.
- Data will help in determining the resource distributions based upon types of charges as well as jail population profiles.

Progress Made to Date

BIA Office of Justice Services

Support operations, programming in tribal justice systems.

- In FY12 & FY13, collaborative effort by the OJS and DOJ to offer trial advocacy training for enhancing practitioners trial skills (judges, public defenders and prosecutors). Training focused on the prosecution of sexual assault, domestic violence, and illegal narcotics cases.
- In FY13, collaborative effort by the OJS, Office of Indian Energy & Economic Development, and the Federal Reserve Bank to conduct four secured transaction workshops specifically crafted for tribal judges and tribal attorneys. Course is designed to assist tribes in identifying roadblocks and solutions to securing business transactions in Indian Country.

Progress Made to Date

BIA Office of Justice Services

Support operations, programming in tribal justice systems (continued).

Tribal Court Trial Advocacy Training			Uniform Commercial Code		
Dates	Location	Emphasis On	Dates	Location	Emphasis On
March 13-15, 2012	Phoenix, AZ	Illegal Narcotics	November 2012	Phoenix, AZ	Secured Transaction Litigation
July 24-26, 2012	Duluth, MN	Domestic Violence	January 2013	Seattle, WA	Secured Transaction Litigation
August 14-16, 2012	Ignacio, CO	Domestic Violence	March 2013	Oklahoma City, OK	Secured Transaction Litigation
September 11-13, 2012	Great Falls, MT	Sexual Assault on an Adult	May 2013	Minneapolis, MN	Secured Transaction Litigation
October 23-25, 2012	Chinle, AZ	Domestic Violence or Sexual Assault			
November 13-15, 2012	Seattle, WA	Sexual Assault on an Adult			
January 15-17, 2013	Albuquerque, NM	Illegal Narcotics			

Progress Made to Date

Office of Juvenile Justice Delinquency and Prevention (OJJDP)

- Use resources from the Tribal Youth Program to support alternatives to incarceration programming.
 - Coordinated Tribal Assistance Solicitation (CTAS)
 - Purpose Area 9 (Tribal Youth Program)
 - Purpose Area 10 (Tribal Juvenile Accountability Discretionary Program)
- Offer funding and training/technical assistance for detention, alternatives to detention, and multi-purpose justice facility planning, renovation, and construction.
 - CTAS Funding
 - Tribal Youth Training and Technical Assistance Center

Progress Made to Date

Office of Juvenile Justice Delinquency and Prevention (OJJDP)

- Support reentry activities through the Second Chance Act's Demonstration program and the Tribal Juvenile Detention and Reentry Green Demonstration Program.
- Expand the Juvenile Detention Alternatives Initiative (JDAI) to Indian Country.
 - Public/Private Partnership with Annie E. Casey Foundation.
 - Pilot project in early stages.

Progress Made to Date

Office of Juvenile Justice Delinquency and Prevention (OJJDP)

- Explore resources of BIE to address offender educational requirement.
 - Indian Alcohol and Substance Abuse Interdepartmental Coordinating Committee
 - Education Services Workgroup
- Enhance coordination of current federal funding for tribal corrections facility and multi-purpose justice center planning, construction, transition, maintenance, operations, and programming.
 - Participate in the BIA Correctional Alternative Pilot Working Group

TJP Implementation

The purpose of the Tribal Justice Plan (TJP) Implementation Workgroup will be to collaborate with Tribal Leaders, tribal justice practitioners, and key federal agencies to implement the action steps and recommendations in the TJP, thereby enhancing the tribal justice systems and strategies to keep our tribal communities safe.

The TJP can be viewed at:

<http://www.justice.gov/tribal/docs/tloa-tsp-aug2011.pdf>

TJP Implementation

Each TJP Implementation Subcommittee is part of the larger Workgroup. The subcommittees are:

- Alternatives to Incarceration
- Tribal Justice Systems Infrastructure
- Managing High Risk Offenders and Offender Reentry
- Communicating and Coordinating Tribal Training and Technical Assistance

TJP Implementation

Tribal Justice Plan Implementation Work group Members:

- U.S. Department of Justice
- U.S. Department of Interior
- U.S. Department of Health & Human Services (some new DHHS components)*
- U.S. Department of Education*
- U.S. Department of Labor*
- U.S. Department of Veterans Affairs*
- U.S. Department of Housing and Urban Development*
- U.S. Department of Agriculture
- Federal Probation & Pretrial Services
- Federal Defender Services*

Five new federal agencies and new DHHS components were invited to participate in the workgroup. These agencies are marked with asterisk.

TJP Implementation Outreach Activities

2012 Listening Session, Constituency Meetings, and Webinar:

- September 19 TLOA Tribal Justice Plan: Overview & Update of Implementation Webinar
- October 3-4 Tribal Justice Safety & Wellness # 15
Tulsa, OK
- October 16-17 Focus Group at the 2012 National Tribal Judicial Conference & NAICJA Annual Meeting
Prior Lake, MN
- November 5-6 Focus Group at the 24th Annual National Training Conference for Criminal Justice & Community Leaders,
Green Bay, WI
- December 3-5 Focus Group at the OVC Indian Nations Conference,
Coachella Valley, CA

TJP Implementation Outreach Activities (cont.)

Participants will be able to learn more about TJP Implementation activities at the following websites:

- DOJ Tribal Justice and Safety Website
(www.justice.gov/tribal/)
- BJA Tribal Law and Order Act Webpage
(www.bja.gov/ProgramDetails.aspx?Program_ID=88)
- BIA Office of Justice Service Webpage
(www.bia.gov/WhoWeAre/BIA/OJS/index.htm)
- NCAI Tribal Law and Order Resource Center
(tloa.ncai.org/)
- National Criminal Justice Association
(www.ncja.org/webinar)

Question & Answer Session

Facilitator

Norena Henry

Senior Policy Advisor on Tribal Affairs, BJA

Presenters

A. Elizabeth Griffith

Associate Deputy Director for Policy, BJA

Darren A. Cruzan

Deputy Bureau Director, BIA

James Antal

Deputy Associate Administrator, OJJDP

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- Good
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Bureau of Justice Assistance, in partnership with the Office of Juvenile Justice and Delinquency Prevention

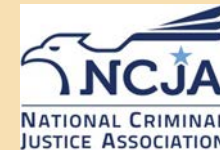
- **U.S. Department of Interior**

Bureau of Indian Affairs

- **Partners**

National Criminal Justice Association and National Congress of American Indians

Disclaimer: This project is supported by Cooperative Agreement 2010-IC-BX-K054 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the office of Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.



Last But Not Least...

**Thank you
for participating in this
webinar session!**

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