

N A A T A P

Native American and Alaskan Technical Assistance Project



**PROJECT GUIDE:**  
Tribal Justice System  
Assessment

*Part of A Series of Guides for Planning, Designing  
and Constructing Adult and Juvenile Correctional and  
Detention Facilities on Tribal Lands*

The Native American and Alaskan Technical Assistance Project (NAATAP) was created pursuant to an interagency agreement between the National Institute of Corrections and the Bureau of Justice Assistance.

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## Purpose

The purpose of each NAATAP Guide is to communicate substantive information concerning a range of subjects that are relevant to the development of adult and juvenile detention and correctional facilities in Indian Country. This series of guides grew out of a recognition that there were common concerns and questions being raised by tribes and consultants developing new correctional facilities on Native lands throughout the country. The guides seek to provide research and information on issues of common concern to the tribes. These guides also seek to document the knowledge and experience gained by Justice Planners International LLC (JPI) while providing technical assistance to tribes engaged in the facility development process.

## Acknowledgements

JPI acknowledges the assistance of the many consultants who contributed their expertise in the preparation of this series of guides. These materials were developed and reviewed by individuals with diverse backgrounds, expertise and experience in planning and design of juvenile and adult correctional and detention facilities, as well as analysis, design and operation of justice programs, facilities and systems on a local, state and national level.

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# Introduction

Many tribal jurisdictions are facing an increased demand for detention and correctional bed space for both adult and juvenile offenders. Detention and correctional bed space needs are driven by a number of factors, including: (1) policies, practices, and resources available to justice system decision makers; (2) arrest rates for various types of crimes; (3) level of efficiency of the justice system in moving defendants through the adjudicatory process; and (4) the extent to which alternatives to incarceration are available and used. A justice system assessment examines each of these areas.

This guide provides direction to tribal jurisdictions interested in conducting a justice system assessment for the purposes of addressing systemic issues raised in the development of detention and correctional facilities. It also offers a great deal of introductory information to those who may be unfamiliar with the structure of tribal justice systems. It is organized into the following areas:

- What is a Justice System Assessment?
- Impact of the Justice System Assessment on Detention and Corrections Bed Space Needs
- Approach to Conducting A System Assessment
- Steps in the Justice System Assessment Process
- Unique Characteristics of Indian Country Justice Systems

This Guide also includes appendices that provide information on the **“Key Parties in the Tribal Justice System”** and **“Structure of Tribal Justice Systems.”**

A system assessment is a time-consuming process that requires a level of commitment from all of the stakeholders in the tribal justice system. Tribes taking part in a system assessment can expect to sponsor multiple meetings with the assessment team, including community meetings with public officials, policy makers, community leaders, and citizens, as well as meetings of criminal justice leaders and decision-makers.

## What is a Justice System Assessment?

A juvenile or criminal justice system assessment is a collaborative effort between all stakeholders in a tribal jurisdiction and consultants to develop a shared understanding of how an existing system of sanctions works. A system assessment is conducted to gain a better understanding of these factors and to begin to shape a vision of how the system might look or operate in the future. For the purpose of this discussion, “justice system” refers to all aspects of juvenile or criminal justice case processing that relate to sanctioning or treating juveniles or adults from the point of arrest through sentencing, placement and aftercare, either in a correctional facility or in the community. “Sanctions” refers to the full range or continuum of pre-dispositional and sentencing options that may be imposed upon an alleged or adjudicated juvenile or adult offender. A thorough system assessment requires, among other things, a complete analysis and understanding of the full range of sanctions in the tribal justice system.

As such, the justice system assessment requires an examination of the diverse perspectives and experiences of the many different stakeholders operating within the tribal justice system. (*See Appendix A - Key Parties in the Tribal Justice System.*) This assessment should help tribal justice system stakeholders reach consensus about the current state of the system, how well it is working, and how it might be improved. The results may then be used to reevaluate or modify the available sanctioning options, programs or processes available in the tribal system. They may also help refine forecasts of future bed space needs or to identify opportunities for better management of existing bed space capacity in either the adult or juvenile justice systems.

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<sup>1</sup> Justice system assessments are typically conducted to comprehensively study the needs and issues of a jurisdiction’s overall justice system including law enforcement, courts, prosecution, corrections, probation, and alternative programs. Jurisdictions also conduct system assessments to assess the impact of the justice system on particular components within the system (e.g. the impact of law enforcement, courts, probation, etc. on the detention and corrections programs). This guide describes the use of justice system assessments for the latter purpose.

## Impact of the Justice System Assessment on Detention and Corrections Bed Space Needs

A primary goal of a justice system assessment is to identify and address system inefficiencies and needs in order to improve the functioning of the system to better manage bed space utilization.

The manner in which the justice system is structured and the policies and decisions of key players in the justice system will have a critical impact on the tribe’s correctional and detention bed space needs. Thus it is important to view the need for detention or correctional beds from a systems perspective. The manner in which cases are processed by justice system agencies, or the availability of alternative programs, can impact the number of detention admissions and/or the length of stay of persons in custody. Changes in either of these factors can significantly affect the size and/or characteristics of the detention and corrections populations.

The system assessment must view detention and correctional facilities as one integral component of a broader justice system that is comprised of a number of other component parts, including law enforcement, prosecutors, courts, and probation. The decisions of the various justice system officials in the course of their day-to-day processing of persons through the justice system determine how the detention or correctional facility is used. Accordingly, it is important for justice system officials to be in agreement regarding the purpose and role of detention and incarceration in the system. Following are some of the many ways in which detention and correctional facilities serve the various components of the justice system (Beck, 2001):

- Hold new arrestees who are pending arraignment, or awaiting trial, conviction, or sentencing;
- Hold alleged probation, parole, and bail-bond violators pending revocation proceedings;
- Hold mentally ill persons who have been charged with or convicted of a criminal offense, and who are a danger to themselves or others until they can be evaluated by mental health professionals and referred for proper treatment;

- Hold intoxicated persons who have been charged with or convicted of a criminal offense, and who become violent and assaultive, or who may be destroying property, until they are sober and in control of their behavior;
- Detain drunken drivers so they cannot return to vehicles and drive while intoxicated;
- Hold domestic violence offenders in custody to prevent a hostile situation from escalating into a tragedy;
- Hold individuals for protective custody and for the courts as witnesses;
- Hold offenders found in contempt of court for violating court-ordered conditions such as: violation of restraining orders; failure to appear on police citations, or release on recognizance; failure to pay court costs, fines, and victim restitution; non-payment of court-ordered child support; or failure to comply with other conditions of pre-trial release or court-ordered sanctions such as failing to attend substance abuse or other treatment programs;
- Hold pre-sentenced/pre-adjudicated and convicted offenders awaiting transfer to state, federal, or private institutions;
- Hold convicted offenders serving a sentence (generally under one year, although in some tribal facilities, some inmates serve multiple consecutive one year sentences);
- Hold offenders as a sanction for probation or parole violations which can range from a few day “wake-up call” to serving the remainder of the time that they were placed on probation or parole;
- Facilitate reintegration into families and Tribal communities of those who have served most of their sentences in federal, state, or private facilities.

The lack of alternatives to detention and incarceration will also affect detention and correctional facility use. Judges often face the dilemma of not having adequate pre-trial supervision or sentencing options. Detention or corrections, by default, becomes the primary option for dealing with the majority of repeat minor offenders. The acceptance of alternatives may also be a problem; some judges do not make the best use of available alternatives.

Justice system functional inefficiencies may also contribute to the excessive utilization of detention and corrections bed space. Delays in

the case processing of persons in custody have a direct and severe impact on the length of detention. Delays may be caused for multiple reasons. These include: courts meeting infrequently; backlogs of court dockets, excessive use of continuances, untimely completion of pre-sentence reports; inexperienced judges and attorneys; and too few beds in other facilities to which inmates may be sentenced, such as private drug treatment facilities.

Detention and corrections officials have little control over who comes to jail or how long they stay. Unless there is a court-imposed cap or local intake standards have been established through tribal ordinance or by the tribal court, detention and corrections officials generally cannot refuse to accept custody of legally-detained individuals simply because the facility is full. The officials must find room in the facility or make arrangements with detention or correctional facilities in other jurisdictions to house the detainee. Furthermore, detention and corrections officials generally may not unilaterally release detainees unless the court has delegated specific release authority (e.g. Release on Recognizance, Third-party Release, etc.)

## Approach to Conducting A System Assessment

A thorough justice system assessment will involve numerous individuals in a process of information collection and analysis. This process may include a combination of interviews, meetings, review of information systems, program and site visits, community meetings and examination of current and archived data. The information collected must be reviewed, analyzed, discussed with justice system officials and Tribal leaders, and then synthesized into a report. The report must then be reviewed and revised until all parties can reach consensus on the current state of the system, where problems may exist, and an approach for dealing with those problems that will achieve a shared vision for the future. As steps are taken to implement system improvements, consideration should be given to establishing a process for collecting and analyzing data on key system performance indicators on an ongoing basis. Tribal officials can then monitor how the system is being used and make adjustments in policies or availability of resources, as necessary, to keep the system on track with that shared vision.

# Steps in the Justice System Assessment Process

The major steps in conducting a tribal justice system assessment are outlined below:

## I. Develop a Community Profile

Describe the following characteristics of the community:

- *Geographic area* – location, size, climate, land use, etc
- *Resident population* – demographic breakdowns (age, gender, income, marital status, educational attainment, etc.); population projections for the Native population (unless the non-natives on the reservation or native village will also be using the tribal correctional facility).
- *Economy of the jurisdiction* – major industries, if any; economic trends; unemployment levels; poverty levels, etc
- *Assets and infrastructure of the jurisdiction* – recreational facilities, libraries, shopping, transportation systems, health care, etc.

The community profile will yield information about issues and trends in the community that may impact detention usage.

## II. Assess Criminal Justice Resources

Describe the criminal justice resources currently available within the tribe's jurisdiction as well as other resources used by the tribal jurisdiction (e.g. county jails, other tribes' facilities, state and federal facilities, off-reservation private placements, etc) These resources may include, but are not limited to:

- *Police Department*
- *Court Services* – including probation and any entities that use traditional approaches to dispute resolution
- *Prosecution and Defense Bar*
- *Adult Detention Facilities and Operations*
- *Juvenile Detention Facilities and Operations*

- *Community programs for offenders* – including such programs as day reporting, electronic monitoring, community service, mediation, etc.

These descriptions should include each entity's functions, staffing, funding levels and sources, workload, etc. Descriptions should also highlight any major deficiencies or concerns in the facilities and/or operations.

## III. Assess Other Community Resources

Describe all other community resources that may work cooperatively with the justice system:

- *Emergency Services* – including fire, EMS, etc.
- *Physical Health Care Services* – including services provided to offenders in the community and in custody through Indian Health Services or otherwise
- *Mental Health and Substance Abuse Services* – including services provided to offenders in the community and in custody (both residential and non-residential)
- *Juvenile Services* – including residential and non-residential services
- *Social Services*
- *Schools and providers of educational services*

These descriptions should also include information about the extent to which they serve the offender population or otherwise address justice system needs. They should highlight barriers or problems encountered in providing services to this population.

## IV. Research Historical Justice System Trends and Analyze Data

Collect and analyze the following types of data:

- *Law Enforcement Data* – including arrest data, re-arrest data, offense types, use of citations, warrants etc.
- *Court Data* – including case filings, types of charges, dispositions, failure to appear rates, bonding practices, etc.

- *Detention Data* – including admission and release data, average daily population, average length of stay, offender profile data (age, sex, education, employment, special needs, charges, charge status, charge type, etc), recidivism data, and costs.
- *Probation Data* – including probation commitments and discharges, revocation data, case load data, etc.
- *Use of Alternatives to Incarceration* – including number and type of alternatives, target populations and criteria for each alternative, number of offenders served, program completion/success rates, costs, etc.

Information should also be gathered from justice system officials regarding their policies and practices that affect detention use. It is sometimes helpful to construct a diagram as part of this process in order to understand how offenders flow through the justice system. This provides a framework to link together data from various sources that make up the system. As this data is collected and analyzed, the tribe can begin to get a better understanding of the capabilities, deficiencies, and needs of the current system.

Collecting and organizing data in a way that is useful in making policy changes or decisions about resource allocation is a complex undertaking. The Tribal Justice Statistical Assistance Center (TJSAC) is a resource available to tribal jurisdictions looking for help with this process. The TJSAC can provide information on collecting, using, and reporting data on crimes, jails, and victims services. More information about the TJSAC is available at [www.tjsac.org](http://www.tjsac.org) or by calling (877) 727-9919.

## V. Identify Major Issues and System Needs

In conjunction with key system stakeholders, the major issues confronting the tribal justice system should be identified and documented. These should be written statements describing:

- Problems with existing facilities. The primary focus here is on the adequacy of existing detention and correctional facilities, however deficiencies in facilities serving other parts of the system (e.g. court rooms, detox centers, alternative placements, etc.) may also be factors affecting the use of detention. Where this is the case, these problems should be documented as well;

- Problems in operation and/or service delivery within existing detention and corrections facilities;
- Gaps in the availability of alternative placements and programs for offenders;
- Process or program deficiencies adversely affecting the efficient functioning of the justice system;
- Future system needs including capacity projections for both detention and corrections facilities and alternative programs. This section may address the need for facility improvements or the development of new facilities. It may also address needs relating to staffing, technology, or other resources necessary for the various elements of the justice system to meet future demand and function effectively.

The profile and assessment information collected and analyzed during this process provides the tribe with a picture of their present situation and starting point for planning system improvements.

## Unique Characteristics of Indian Country Justice Systems

Justice systems in Indian Country are similar to those in non-Indian communities. Like their state and local legal system counterparts, most tribal justice systems include law enforcement, judiciary, prosecution, and corrections as basic components (Wakeling et al 2001). In some respects, however, tribal justice systems are markedly different from state and federal justice systems in the areas of jurisdiction, administration, and funding. These differences present some unique challenges to planning for justice-related facilities and services in tribal jurisdictions. (See Appendix B for a general discussion of the “Structure of Tribal Justice Systems.”)

*Jurisdiction.* Federal law and federal court decisions have established limits on tribal justice systems’ authority over certain kinds of cases and persons. Tribes may assert jurisdiction only over crimes committed by American Indians on their trust land. Non-Indians who commit crimes on trust land do not fall under the criminal jurisdiction of tribes. Generally, tribal criminal jurisdiction is limited to less serious crimes. Sentences are limited to one year and/or a \$5,000 fine, but inmates

may have multiple consecutive sentences. Under the federal Major Crimes Act (Major Crimes Act), more serious crimes fall under the jurisdiction of federal authorities. Federal law provides an exception to this jurisdictional arrangement. Public Law 83-280 (Public Law 280), enacted in 1953 (Act of August 15, 1953), effected a transfer of legal power (jurisdiction) from the federal government to state governments that significantly changed the division of legal authority among tribal, federal, and state governments. Through Public Law 280 Congress gave six states (California, Minnesota, Nebraska, Oregon, Wisconsin; and Alaska (upon statehood)) extensive criminal and civil jurisdiction over tribal lands within the affected (“mandatory”) states. Public Law 280 also permitted the remaining states, at their option, to acquire jurisdiction in “Indian Country” (as defined in federal statute 18 U.S.C. 1151).

Before Public Law 280 was enacted, the federal government and Indian tribal courts shared jurisdiction over almost all civil and criminal matters involving Indians in Indian Country, and states had no jurisdiction. (Criminal matters are generally illegal (or criminal) acts that involve a violation of the government’s criminal laws, whereas civil matters are generally actions between private parties brought to enforce a right or gain payment for a wrong.). With the enactment of Public Law 280, affected states received criminal jurisdiction over Natives living on Reservations and Tribal Villages. In the affected states, the federal government gave up control over crimes in Indian Country (those involving Indian perpetrators and/or victims). Indian Nations lost control over many criminal and civil matters within their respective territories due to the policies of the federal and state governments.

This divided jurisdictional arrangement often complicates efforts to assess needs and develop comprehensive responses to crime problems on reservations.

*Administration.* Administrative arrangements for various justice system functions in Indian Country are complex. Justice system operations may include a mix of tribal, federal, state, and county agencies and employees. In some many tribal jurisdictions the Bureau of Indian Affairs provides most of the justice system functions. Law enforcement and detention services in these jurisdictions are provided by BIA police, supervised by the BIA Office of Law Enforcement Services. The BIA also operates Courts of Indian Offenses in some of these jurisdictions.

These courts operate under the authority of federal regulations rather than a tribal justice code.

Many tribes have exercised their authority under Public Law 93-638 to assume responsibility for some or all justice system functions otherwise administered by the BIA (See Indian Self-Determination Act, 25 USC 450 et seq.). In these cases, contracts are established between the tribes and the BIA to perform specific functions. The contracts outline the organizational structure for the function, performance requirements, and a budget.

Some tribes receive funding for justice system functions directly from the federal government under self-governance provisions of Public Law 93-638. Under this administrative arrangement, the tribes receive block grants to fund justice services rather than specific budgets. In these cases, the tribes have much more freedom and control over the administration of justice system functions.

In any of the arrangements described above, responsibility for handling more serious crimes on trust lands falls to the FBI. American Indians and Alaskan Natives charged with serious offenses falling under the Major Crimes Act have their cases heard in federal court. Sentences of those convicted in federal court are usually carried out in federal facilities.

In tribal jurisdictions falling under Public Law 280, state and local authorities provide justice system functions. In these cases neither the tribes nor the BIA is involved in justice system operations.

The arrangements described above typically lead to justice system organizational arrangements involving multiple governments (local, state, federal, tribal) each with their own employees responsible for various aspects of justice administration. Planning for justice system improvements must include efforts to coordinate and unify policies of these various entities.

*Justice System Funding.* Much of the funding for justice services in Indian Country (with the exception of PL – 280 jurisdictions) comes from the federal government through the BIA. Many tribes supplement federal funding with tribal funds, but often their resources are

limited. Historically, justice systems in Indian Country have been inadequately funded.

## Summary

A justice system assessment is useful in evaluating the factors that impact use of detention and corrections bed space. The justice system is comprised of a number of key decision-makers whose policies and practices affect the use of detention or corrections. An assessment of those policies and practices, as well as the programs and resources available to the system, can identify factors that contribute to inappropriate use of detention and corrections resources. A justice system assessment forecasts future bed space needs, impacts of and needs for new or expanded alternatives to incarceration and justice system changes, the number of staff needed, and operational and initial costs.

## Appendix A

### Key Parties in the Tribal Justice System

The tribal justice system is comprised of a number of key decision-makers whose policies and actions influence the functioning of the system and, ultimately, the use of detention beds. The key parties and their roles within the system are outlined below:

- Tribal Police Chief – establishes policies governing arrest, use of citations, diversion; establishes enforcement priorities; makes staff deployment decisions; influences case investigation time
- Tribal Court Judges – establishes pre-trial release criteria and bond schedules; establishes court dockets; guides case progression; influences use of detention and alternatives to incarceration; impacts number and categories of inmates and detainees and length of stay
- Tribal Prosecutor – decides what cases to prosecute and level of charges; makes pre-trial release and sentencing recommendations; negotiates plea bargains; may administer pre-trial diversion programs
- Public Defender or Advocate – can influence case progression; negotiates plea bargains; makes pre-trial release and sentencing recommendations
- Probation Officer – conducts pre-sentence investigations, supervises offenders on probation; may supervise accused offenders on pre-trial release; may broker and coordinate services for offenders; initiates revocation process for probation violators; may make sentencing recommendations
- Detention Administrator – maintains detention facility; securely detains committed offenders pre-trial or as a sentence; may provide work or education release opportunities; coordinates services for offenders in custody
- Indian Health Service – provides physical and mental health care services, including substance abuse treatment, for alleged and convicted offenders in custody; coordinates planning for development and delivery of health care services for community; conducts safety and sanitation inspections of detention facilities

- Behavioral Health Services Administrator – part of IHS; may provide mental health assessments, crisis intervention, and MH treatment services for offender population
- Substance Abuse Treatment Services Administrator – may provide substance abuse assessment and treatment services for offender population
- Children and Family Services Administrator – may provide shelter and foster care services; family support services; family counseling; and assessment and case planning services for juvenile offenders
- School Administrator – provides education services for juvenile offenders; may provide adult basic education and literacy services for adult offenders
- Workforce Development Administrator – provides job training and placement services for juvenile and adult offenders
- Tribal Council Member (Law and Order Committee Chair) – establishes law and order code and children’s code that govern operation of the justice system; approves budget requests of justice agencies; supervises justice agencies on behalf of tribe under 638 contract
- Tribal Finance Director – manages budget process; makes budget recommendations to Tribal Council; may assist in contract development and administration; may assist in grant writing
- Tribal Planner – assists with strategic planning, data collection and analysis; may assist with grant writing; may assist with system coordination efforts
- Elders and other community members – anchors the system in values, traditions, and beliefs that are important to tribal community members; may participate in traditional approaches used as alternatives to formal justice system
- BIA Agency Superintendent – communicates funding and resource needs to federal authorities; communicates BIA priorities to tribe; provides technical support for contract development and funding requests
- BIA Office of Law Enforcement Services – may provide justice system services directly; monitors quality of services provided by tribe under 638 contract; provides technical assistance to tribes in establishment and administration of justice services; reviews plans for facilities and programs; contracts with and funds tribes to provide justice system functions

## Appendix B

### Structure of Tribal Justice Systems

Many tribal justice systems mirror the justice systems that exist in non-Indian communities. They include the basic components of law enforcement, judiciary, prosecution, and corrections. They follow similar rules and procedures and typically operate under a law and order code enacted by the tribe. The code defines the types of cases falling under the jurisdiction of the tribe and lays out the procedures for their prosecution and disposition. Some tribes may also have a separate Children’s Code that establishes procedures for the handling of abuse, neglect, and delinquency issues. Some tribal jurisdictions have also adopted alternative approaches to resolving disputes by establishing traditional courts that use such methods as Peacemaking or Sentencing Circles. (Jones, 2000)

*Law Enforcement Services.* Tribal police departments may be administered by the tribe under a 638 contract or by the BIA. Law enforcement functions generally include patrol, investigations, dispatch, and detention. Typical staffing of law enforcement includes command staff, police officers, detention officers, and civilian (dispatch and support) staff. Law enforcement staffing may also include criminal investigators if that function is not provided by the BIA Office of Law Enforcement Services.

*Court Services.* Most tribal courts are administered by the tribe under a 638 contract. There are a few remaining Courts of Indian Offenses operated by the BIA. Judges are generally appointed by the tribal council, although they are elected in some jurisdictions. Most systems have a prosecutor or someone to present cases to the court on behalf of the tribe. Many tribes do not have public defenders as free representation of indigents is not required in tribal court. Defendants do have a right to representation, however, by an attorney or lay advocate. Justice systems in Indian Country tend to use non-attorneys as judges, prosecutors, and defense counsel to a much greater extent than in non-Indian communities. (Wakeling et al., 2002)

*Probation.* Options available to the court for those convicted of offenses are generally limited to either probation or detention. The tribal

court administers probation in most tribal jurisdictions. Probation officers provide pre-sentence investigations for the court and field supervision of offenders placed on probation. In many jurisdictions, probation officers have horrifically high caseloads and limited funding to pay for services for offenders.

*Detention.* If the tribal jurisdiction has a detention facility, it is generally administered by the tribal police. If no detention facility is available, tribal jurisdictions may contract with local city or county facilities or with a neighboring tribe to house their offenders. Many older tribal detention facilities were designed for short-term holding only and lack the living and program space required for offenders serving longer sentences. Many also lack sufficient staff to do more than provide minimal 24-hour coverage. A few newer facilities have been constructed that have provisions for providing in-house education and treatment services.

*Treatment Services.* Tribal jurisdictions usually have behavioral health and substance abuse treatment programs that serve the jurisdiction, although these services are often not adequate to meet the needs of the community generally. Where treatment services are available, courts may order offenders into treatment as a condition of probation. In some jurisdictions, arrangements have been made for community treatment services to be provided to offenders in detention. Health-related services for offenders are typically provided by the Indian Health Service or tribal health service providers working under a 638 contract with IHS.

In some jurisdictions, there are children and family programs that provide services to ungovernable and delinquent youth. These services may include shelter or foster care or other non-residential services necessary to address the issues that brought the youth to the attention of the court.

*Case Flow Process.* The case flow process in Indian Country justice systems is similar to that of non-Indian jurisdictions. The process includes arrest, adjudication, and disposition phases with time parameters associated with various steps to guide case progression. Typical case processing in tribal justice systems might include the following steps: 1) arrest; 2) initial appearance; 3) arraignment; 4) pre-trial conference; 5) trial; 6) pre-sentence investigation; and 7) sentencing. Tribal courts

process a tremendous number of cases each year. They often lack the staffing, facilities, and technology to efficiently manage the workload. Delays in processing cases are often cited as a contributing factor in detention facility overcrowding.

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18 U.S.C. 1151 defines “Indian Country” as “(a) all Indian lands within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same.”

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**ALSO AVAILABLE:**

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