



## 2024 Tribal Justice Data Outreach and Engagement Findings

Through this series of webinars and a subject matter expert panel meeting, the [Bureau of Justice Statistics](#) (BJS) sought Tribal Leader, tribal law enforcement and court administrators, justice practitioners working in Indian country, Federal and other interested party input on the development and implementation of the BJS 2024 Census of Tribal Law Enforcement Agencies (CTLEA) and Census of Tribal Court Systems (CTCS).

To update the CTLEA and CTCS survey instruments for the 2024 collections, a series of webinars was conducted in the first quarter of 2024. The webinars served as listening sessions so that those working in the tribal community and affiliated with the tribal justice systems could provide input on the topics to be considered for inclusion in the surveys. Each of the webinars was scheduled for 90 minutes. An additional separate two-day meeting was convened as well to allow for more focused discussion around data collection methodology and survey instrument content.

The listening sessions were conducted virtually for:

- **Tribal Leaders** on February 7<sup>th</sup> from 1:00 to 2:30 p.m. ET.
- **Tribal law enforcement** practitioners on February 12<sup>th</sup> from 12:00 to 1:30 p.m. ET.
- **Tribal court practitioners** on February 20<sup>th</sup> from 1:00 to 2:30 p.m. ET.
- **Federal partners** on April 18<sup>th</sup> from 3:00 to 4:30 p.m. ET.

Tribal leaders and justice professionals unable to attend either of their scheduled Tribal listening session were invited to email NORC at the University of Chicago, BJS data collection agent for the CTLEA and CTCS collections, at [CTLEA@norc.org](mailto:CTLEA@norc.org). In addition, participants were encouraged to send written comments to NORC through April 30<sup>th</sup>, 2024, via email to NORC at [CTLEA@norc.org](mailto:CTLEA@norc.org).

### About BJS

The mission of BJS is to collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. BJS also provides financial and technical support to state, local, and tribal governments to improve both their statistical capabilities and the quality and utility of their criminal history records.

BJS was first established on December 27, 1979, under the Justice Systems Improvement Act of 1979, Public Law 96-157 (the 1979 Amendment to the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351).

The Bureau of Justice Statistics (BJS) is a component of the Office of Justice Programs in the U.S. Department of Justice.

## **Tribal Justice Data Listening Webinar Topics 2024**

The Tribal Law and Order Act (TLOA) of 2010 requires the BJS to (1) establish and implement a tribal crime data collection system, (2) consult with Indian tribes to establish and implement this data collection system, and (3) report annually to Congress on the data collected and analyzed in accordance with the Act. To help fulfill this mandate, BJS developed the Tribal Justice Statistics Program (TJSP), which includes three separate statistical collections on tribal agencies: the Survey of Jails in Indian Country (SJIC), the CTLEA, and CTCS. BJS is planning to conduct new iterations of the CTLEA and CTCS in 2025, with a data reference year of 2024.

The 2019 CTLEA collected data from tribal law enforcement agencies, including tribally operated agencies, BIA police agencies, and the Alaska State Police operating the Alaska Village Public Safety Officers program. The 2019 CTLEA provided a profile of tribal law enforcement by type of agency, the number of agencies and full-time sworn employees, jurisdictional authority, officer equipment and training, the number of calls for service and arrests, and functions performed on a regular basis. The information was published in *Tribal Law Enforcement in the United States*, 2018 ([NCJ 306022](#), BJS web, July 2023). The survey was administered to 258 tribal law enforcement agencies responsible for policing in Indian country and Alaska Native Villages and obtained a response rate of 92%.

The 2014 National Survey of Tribal Court Systems (NSTCS), precursor to the CTCS, captured data from the tribal courts and Bureau of Indian Affairs (BIA) Code of Federal Regulation (CFR) courts on their administration and operational characteristics, including the number and types of courts, subject- and person-level jurisdiction exercised, sources of operational funding, handling of juvenile or Indian Child Welfare Act matters, and various aspects of courthouse workgroups—prosecutors, public defense and victim service programs. The information was published in *Tribal Courts in the United States*, 2014 ([NCJ 301214](#), BJS web, July 2021). The survey was administered to 234 tribal court systems and achieved a response rate of 84%.

We provide an overview of the topics that were discussed during each webinar below, with the goal of allowing attendees to consider the data needs, challenges, and emerging issues of concern to be included as possible survey topics.

Each 90-minute Zoom webinar included:

1. CTLEA and CTCS organizational introductions,
2. Overview of the BJS Tribal Justice program,
3. An introduction to the Mural platform, time for feedback on the discussion topics and polling items (below), and
4. A summary of next steps for the data collection efforts.

## **I. Tribal Leaders Listening Webinar (February 7, 2024) Discussion Topics and Polling Items**

**Objective:** Provide information about the combined CTLEA/CTCS data collections. Create a space for tribal leadership to highlight challenges and opportunities they are experiencing in these two areas and discuss how the CTLEA/CTCS data collections can benefit tribes and their justice systems.

### **Topic area #1 External Factors and Influences (20 minutes)**

- How have recent court rulings and other external factors influenced your community and tribal justice systems?
- For example, have you experienced recent changes in jurisdiction of your tribal justice systems?
- What jurisdictional issues continue to pose a challenge to your tribal justice system?

### **Topic area #2 Budget and Staffing (20 minutes)**

- Thinking about how your tribe's law enforcement and tribal court needs may have changed in the last five years -- did your tribal justice systems experience changes in budget and staffing needs?
- How have these changes, either negative or positive, changed how your tribal justice systems function?

### **Topic area #3 New Practices and Topics in Crime and Crime Prevention (15 minutes)**

- What new or emerging issues or challenges have affected your community?
- Please talk about ways in which you engage with the community to address concerns about crime and crime prevention, for both emerging and existing challenges.

\*\*\*\*

## **Summary of the Tribal Leaders Webinar**

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). Participants represented 32 tribes and 7 Alaskan villages across 18 different states. This summary contains key findings discussed by attendees 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 and opioids, and drug overdoses are of significant concerns for tribal communities.

### **Challenges and Successes**

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

Participants shared that tribal justice systems have seen many recent changes, including new programs, specialty courts, modernized practices, and jurisdiction boundaries. The resulting systems utilize alternative practices to arrest and incarceration and 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 as a part of these alternative programs.

Of note, all participating leaders reported having their tribal justice system budgets increased within the past five years. These budgetary increases primarily driven by increases in the number of cases seen by their tribal justice systems, including an increase in both felony and diversion cases. Increased budgets were also allocated to hiring and retention of officers and dispatchers, along with an expansion of wellness courts.

Tribal justice systems have many strengths that contribute to their success. For participants, these strengths were focused primarily on staff retention, including being fully staffed with low turnover, resulting in an improvement in technical expertise and improvement in communication and teamwork between functional groups. Other strengths mentioned by webinar participants included supportive communities, support from DOJ programs, relationships with Tribal Council, separation of powers, and the impartiality of judges. Leaders also reported engaging with their communities on crime prevention in a variety of ways including community meetings

and conferences, social media, surveys, and conversations with community members as another strength that contributed to their success.

### **Data Needs and Gaps**

With respect to data needs for tribal leaders, they identified the most common emerging crime and public safety issue impacting their communities as fentanyl and opioid use. Other common concerns that could be informed by expanded data collection included behavioral and mental health access, difficulties finding qualified candidates for open positions, and lack of collaboration between sovereign and local officials.

## **II. Tribal Law Enforcement Listening Webinar (February 12, 2024)**

### **Discussion Topics and Polling Items**

**Objective:** Provide information to tribal law enforcement agency leadership about the upcoming collection. Create a space for tribal law enforcement leadership to highlight challenges and opportunities they are experiencing in their day-to-day operations, with a focus on what has changed in the last five years since the 2017 CTLEA collection.

#### **Topic area #1 Tribal Law Enforcement Agency Practices and Day to Day Operations (25 minutes) –**

- What are the top three challenges that your tribal law enforcement agencies encounter on a day-to-day basis? These can include more long-term and more acute/immediate challenges. Of these, what is the most significant challenge?
- What data does your TLE use to track day to day operations?
- What data does your TLE not collect that would help improve operating your agency?

#### **Topic area #2 Crime and Victimization Trends in the Community (25 minutes) -**

- Can you discuss some of the more common calls for service that your officers respond to?
- Describe how you partner or engage with other agencies or community members to address crime and crime prevention in the community.

#### **Topic area #3 Additional questions if time allows –**

- Thinking of recruitment, training, and retention of officers, can you discuss some of the challenges your agency has recently faced?
- On that same topic, have specific strategies been effective for recruitment, training, and retention of officers?

\*\*\*\*\*

## **Summary of the Tribal Law Enforcement Webinar**

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) and the 2024 Census of Tribal Court Systems (CTCS). This summary contains key findings to incorporate into CTLEA and CTCS questionnaire development.

Webinar participants included 27 tribes and 2 Alaska Native Villages from 14 U.S. states. Participants represented diversity of cultural traditions, economic conditions, and geographic areas. Participants came from agencies exercising a variety of types of law enforcement jurisdictional authority, including agencies that were and were not subject to Public-Law 280.

### **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, appropriate funding, collaborative partnerships, and a long-term plan with clear metrics.
- The top ways agencies engaged with the community to address and prevent crime included 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 were 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.

### **Challenges and Successes**

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.

### **Data Needs and Gaps**

Tribal law enforcement agencies collect data as part of their operational procedures. Crime and service data frequently collected include the number and types of service 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.



### **III. Tribal Court System Listening Webinar (February 20, 2024) Discussion Topics and Polling Items**

**Objective:** Provide information to tribal court leadership and stakeholders about the upcoming collection. Create a space for tribal court leadership to highlight challenges and opportunities they are experiencing in their day-to-day operations, with a focus on specific types of data that might be available to gather at the court level since the last data collection, which occurred ten years ago.

#### **Topic area #1 Court Practices and day to day operations (20 minutes) –**

- What are the top three challenges that your court encounters on a day-to-day basis?
- What data does your court not collect that would help improve operating your courts?

#### **Topic area #2 Court Structure and Capabilities (15 minutes) –**

- What types of tribal courts your tribe operates?
- What kinds of data are collected by your courts?
- What kinds of data are shared with other courts?

#### **Topic area #3 New Topics and Practices in Tribal Courts (15 minutes)**

Discuss your tribe's use of specialty courts and diversion problems, such as:

- Behavioral health needs and community-based treatment in the courts
- Alternative courts/dockets
- Diversion programs or special staff or dockets to adjudicate probation violations.
- What promising practices to have been recently adopted by your courts? How might specialty courts demonstrate or “show” they are successful through data?

\*\*\*\*

## **Summary of the Tribal Courts Webinar**

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

CTCS webinar participants included 49 tribes and 16 Alaska Native Villages from 19 U.S. states. Participants represented diversity of cultural traditions, economic conditions, and geographic areas. Participants came from a variety of tribal courts, as well as tribal justice system organizations.

### **Key Findings**

- Separation of functions, judicial independence, and court services were identified as the greatest strength or success for tribal courts who participated in the webinar.
- Behavioral health and lack of appropriate treatment facilities along with wage compensation are challenges that tribal courts are facing most frequently.
- While some courts feel that they are collecting all necessary data, there were data courts do not collect but could 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 always have the capacity to implement this.

### **Challenges and Successes**

Tribal courts have staff who practice teamwork and have experience, with strong leadership being the key to implementing this. Strong appellate systems and well-reasoned decisions ground their courts, as well as separation of functions and judicial independence. Access to legal aid programs, public defender's offices, and multi-jurisdictional tribal judge associations also strengthen tribal court systems.

Tribal justice systems operate court systems that hear civil and criminal cases. In addition to this, Healing to Wellness Courts, Traditional Courts, Peacemaking Circles, Appellate Courts, and Supreme Courts also operate in Indian Country. They hear a broad range of cases including, but not limited to, natural resource matters, assault, juvenile and child welfare, disenrollment, marriage and divorce, conservatorship, traffic, drug possession, domestic violence, trespass, elder abuse, and protection of sacred sites. The only limitation to cases a tribal court can hear is based on jurisdiction of the court.

Participants shared that emerging and enduring challenges facing tribal court systems usually revolved around the lack of access to resources. These can be related to services (limited behavioral health, limited treatment facilities, or shortage of foster care homes), access to justice (no legal assistance, no law enforcement, enforceability of orders by outside jurisdictions, or other jurisdiction issues), or daily operations (staff, wage compensation, technology, lack of policy, or space – whether availability, accessibility, safety, or security). Other current issues mentioned included the use of technology, including remote/video hearings, transitioning back to

in-person hearings, or artificial intelligence (AI).

### **Data Needs and Gaps**

Despite a lack of access to these resources, tribal courts collect a wide range of data. Participants shared that tribal courts collect everything that is trackable. 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 or appear, to name a few.

Tribal courts use a variety of sophisticated case management systems but may also use spreadsheets 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 currently collected due to capacity, either of the court or of other agencies. Client-centered data from other agencies like social services and law enforcement would be useful, 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 several promising practices and successful strategies that have recently adopted. Some of these involve practices that include holistic, trauma-informed, restorative justice or practices that involve the family and community. 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, partly in response to the pandemic, but that continue to persist. 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 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 to allow for broader community engagement and grounding of court operations in traditional practices.

## **IV. Federal Listening Webinar (April 18, 2024) Discussion Topics and Polling Items**

**Objective:** Provide information about the combined CTLEA/CTCS data collections. Create a space for federal partners to highlight *gaps in in data collections that focus on tribal crime and justice; data needs that will inform federal programs and operations to support tribes; and areas for improvement in tribal justice data analysis, reporting and dissemination.*

### **Topic area #1 Gaps in in data collections that focus on tribal crime and justice (20 minutes) -**

- What crime and justice data should BJS collect, which will help inform federal law enforcement, courts, corrections, and other programs working in Indian country and/or with tribes and Alaska Native Villages (ANVs)?
- What are the top three challenges that your agency encounters working on tribal crime and justice issues? These can include more long-term and more acute/immediate challenges. Of these, which is the most significant challenge?
- What types of emerging crime data should BJS collect to help understand and reduce crime in Indian country or on tribal lands?
- What innovative or promising practices in tribal justice operations have you observed or participated in through your work tribes and ANVs?
- Does your agency have inter-agency or governmental data sharing agreements with tribes or tribal justice agencies?
- How does your agency foster data and information sharing with tribal justice agencies?

### **Topic area #2 Data needs that will inform federal programs and operations to support tribes (20 minutes)**

- Thinking about how your needs may have changed in the last five years -- did your office experience changes in budget and staffing needs related to tribal crime and justice? If so, how?
- How have these changes, either negative or positive, changed how you or your office works with tribes or Indian country? What data needs to be collected to help inform your office's primary functions?
- Does your office collect, have or use an estimate of the tribal resident or services population on tribal lands you work with? If yes, what is the source of the population estimate?

### **Topic area #3 New Practices and Topics in Crime and Crime Prevention (15 minutes)**

- Please talk about ways in which you engage with the tribal community to address concerns about crime and crime prevention, for both emerging and existing challenges. Does your office provide feedback and community updates to the tribes you serve?

\*\*\*\*\*

## **Summary of the Federal Partners Webinar**

Federal Partners from across the United States government attended a webinar on April 18, 2024, to discuss relevant topics and concerns for the upcoming Census of Tribal Law Enforcement Agencies (CTLEA) and Census of Tribal Court Systems (CTCS). This summary contains key findings to be incorporated into the questionnaire developments for CTLEA and CTCS.

There were sixteen participants from the following federal agencies:

- Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF)
- Bureau of Indian Affairs
- Bureau of Justice Statistics
- Community Oriented Policing Services (COPS) Office
- Department of Homeland Security
- National Institute of Justice
- Office of Juvenile Justice and Delinquency Prevention
- Office of Tribal Justice
- U.S. Department of Justice
- U.S. Marshals
- U.S. Secret Service

### **Key Findings**

- The ability to collect data is impacted by data sovereignty and limited or lack of personnel, funding, and access to systems on the tribal level.
- Federal systems do not always track crime and justice data in a way that accurately represents American Indian and Alaska Native communities.
- There is complexity to collecting service population estimates. Trusting tribes to certify their population increases engagement and is grounded in self-determination.

### **Data Needs and Gaps**

There is a gap in the ability to collect data that is twofold: (1) limits introduced by the requirements of data collection and (2) lack of resources. Data sovereignty also impacts data collection. The National Institute of Justice (NIJ) requires data archiving. This impacts the ability of the federal government to conduct research in this space.

Participants also suggested that tribal justice systems may lack capacity or resources to collect or report data. Some tribes experience understaffing to be able to adequately report, to provide timely reports, or report at all. Some tribes may lack the technology and infrastructure systems to be able to report while some may partner with states to submit data. This partnership is not always a feasible solution for all tribes and may result in loss of nuance between tribal and state data. Participants reported that issues have occurred in the transition from FBI Uniform Crime Reports to National Incident Based Reporting System (NIBRS) including the consistency in submission of crime data to NIBRS. For example, it appears from the data that violent crime had a 50% reduction, but it is also possible that this reduction is the result of a decrease in reporting rather than the violent crimes decreasing that significantly in a short window of time. These data collection challenges have resulted in a lack of reliable information about the rates and types of violence crime affecting American Indian and Alaska Native communities.

One enduring challenge to data collection is the question of service population. One participant noted that it matters to some degree why the population collection is being collected and what the population data is going to be used for. From a statistical perspective, the ways tribes are counted can vary from agency to agency. One example provided is that the FBI doesn't count the tribal population because the tribal LEAs don't necessarily have unique services areas and the FBI wants to avoid double counting populations. On the other hand, the Office of Victims of Crime has tribes certify their service population, with the justification of this being that to prioritize getting the funding to those in need, what mattered most about the certification was who the tribe thought they were serving.

There were a few additional areas identified as data needs. There is interest in measuring the impact of the *McGirt vs. Oklahoma* ruling. Federal agencies would like to know how many tribes have community coordinated response strategies as well as, and more specifically, if tribal law enforcement agencies (LEAs) have Memorandums of Understanding or Memorandums of Agreement with other LEAs. Recruitment and retention of law enforcement officers was identified as a data need. Data that examines hiring incentives, retirement system access, salaries, and housing is important to address these issues.

Around the issue of Missing and Murdered Indigenous People (MMIP), there is interest in how many LEAs are tracking MMIP and whether LEAs have special or dedicated officers or investigators for MMIP. There are nuances and complexity with MMIP data collection due to the two components (missing and murdered) that could be tracked by different federal or state systems (National Crime Information Center, National Missing and Unidentified Persons System, state clearinghouses, National Violent Death Reporting System, and NIBRS.)

## **V. Summary of the Tribal Justice Panel for the 2024 Census of Tribal Law Enforcement Agencies (CTLEA) and the 2024 Census of Tribal Court Systems (CTCS)**

In addition to the webinars summarized above, a Tribal Justice Panel meeting was held on March 5<sup>th</sup> and 6<sup>th</sup>, 2024. American Indian and Alaska Native subject matter experts in tribal justice, tribal law enforcement agencies, and tribal court systems, alongside staff from various federal agencies with an interest in tribal justice from throughout the United States attended the Tribal Justice Panel meeting in Albuquerque, NM. The meeting was held to discuss relevant topics and areas of interest that should be included as questions for the upcoming 2024 Census of Tribal Law Enforcement Agencies (CTLEA) and the 2024 Census of Tribal Court Systems (CTCS).

The meeting had 39 attendees. Of these attendees, 22 were subject matter experts in tribal justice, each hailing from 13 different tribes and 12 different states. 10 attendees were federal staff from the Bureau of Justice Statistics (BJS), Bureau of Indian Affairs (BIA), the Office of Juvenile Justice and Delinquency Prevention (OJJDP), the Federal Bureau of Investigation (FBI) and Office of Tribal Justice (OTJ) with an interest in tribal justice. The remaining 7 attendees were project staff from NORC, the International Association of Chiefs of Police (IACP), the National American Indian Court Judges Association (NAICJA), and the Tribal Law and Policy Institute (TLPI). This summary contains key findings to be incorporated into the questionnaire development for CTLEA and CTCS.

### **Key Findings**

- Tribal law enforcement agencies strongly reported wanting the surveys to track proactive calls for service that involved positive community engagement.
- PL-280 has made it more difficult for tribal law enforcement agencies and tribal courts to properly engage with their communities, and this should be tracked in the 2024 CTLEA and CTCS surveys.
- Drugs, specifically fentanyl, opioids, and overdoses, are of significant concern for tribal communities, and measures of how tribal courts and law enforcement agencies deal with this epidemic should be tracked in the surveys.
- Tribal law enforcement agencies and tribal courts both reported staffing and budget concerns. Particularly, they reported not having many staff familiar with data, which impedes data collections.
- Tribal courts experts felt the 2014 CTCS contained relevant, useful data and could be reworked to be condensed. The 2024 CTCS should collect all the same data as the 2014 CTCS.
- Tribal justice experts reported that getting the buy-in of tribal leaders for the surveys was crucial. Tribal engagement will be of the utmost importance when conducting the surveys.

### **State of Tribal Crime and Justice Data**

Federal partners gave presentations to inform the panel about the various kinds of tribal data

collections that are currently being conducted to help identify data collection gaps in tribal justice systems and avoid duplication of efforts. The presentations were given by federal staff from BIA, OJJDP, and the FBI. They discussed major database programs that the FBI CJIS division operates (such as National Crime Information Center (NCIC), Uniform Crime Reporting (UCR), the National Data Exchange Program (N-DEX), etc.) and tribal participation in these systems; the types of tribal law enforcement data that BIA and BIA OJS currently collect and the challenges faced in collecting this data; and on the many different tribal projects and grants that have been conducted and awarded by OJJDP that research tribal crime and justice, particularly regarding youth wellness and violence prevention.

### **CTLEA Breakout Room Discussion**

The 2019 tribal law enforcement and BIA Census of Tribal Law Enforcement Agencies survey tools were reviewed. Participants felt that most questions from the prior survey were still applicable with some minor adjustments to response categories. There was a strong interest in finding ways to capture data on positive, pro-active community contacts and activities, which reflect tribal culture and values and make up the bulk of tribal officers' workload, rather than focusing questions primarily on arrests and enforcement.

As a part of the review of the prior collection instrument, some themes emerged. Funding questions were considered important but need to be developed with considerations for respondent burden and sensitivity around sharing financial information. There was interest in capturing data about the outcome of arrests, but there are challenges with tribal police receiving information back from other agencies about case outcomes.

Among emerging topics, panelists expressed wanting to include administrative topics, which included tribal officer recruitment and retention, retirement benefits, and officer wellness. Emerging public safety concerns including missing and murdered indigenous persons considerations, vulnerable victim crimes, active shooter readiness, fentanyl, crisis intervention, and referrals for mental health and substance use services.

With respect to the format of how responses were captured, there was some interest in including questions with scales or ranking options to add more nuance to questions beyond a simple binary response. Where possible, participants would like more nuanced response options.

### **CTCS Breakout Room Discussion**

Panelists acknowledged that the 2014 CTCS was a long survey, however, tribal court panelists were less concerned about the length of the survey and instead wanted to make sure all necessary data was collected. There was discussion around how to ensure that all necessary data is collected while also reducing the length of the CTCS, which included how the federal government could conduct smaller, more focused surveys or including tribes in existing data collections.

Laws and court rulings such as Tribal Law and Order Act (TLOA), Violence Against Women Act (VAWA) 2022, Public Law 280, and *McGirt V. Oklahoma* continue to greatly impact how tribal court systems work and should be considered in CTCS development.

Courts would like there to be two years of data collected for all counts tracked. This enables them to better assess their future needs and they're able to provide this information. Courts need



to use the data collected in these surveys to apply for grants. They also need to compare their court system with the national statistics to understand where they fall. To do this, courts need to measure their staffing and workloads, the services the court offers, and who has a role in the court and system.

### **Next Steps for the CTLEA CTCS Data Collection**

Following the webinars and panel, BJS and the CTLEA CTCS project team will move forward with next steps in the project implementation process, including:

- Providing a recommendation report for the data collection based on information gathered through TJP data outreach and engagement efforts.
- Based on recommendations from the report and prior versions of each data collection instrument, identify a core set of items for each survey instrument and develop survey instruments for both cognitive testing and web usability testing.
- Engage in cognitive and usability testing of the survey instruments, making revisions to the survey instruments and data collection protocol as appropriate.
- Development of a sample frame of tribal justice agencies, specifically tribal courts and tribal law enforcement agencies.
- Conduct data collection in 2025.