



Tribal Crime Data Collection

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

Recovery Act: Tribal Crime Data Collection, Estimation, and Analysis Project

BJS recently concluded the Recovery Act: Tribal Crime Data Collection, Estimation, and Analysis (RA:TCD) Project. From fiscal year (FY) 2009 to FY 2012, BJS designed and implemented the RA:TCD to enhance the utility of tribal crime and justice data, improve tribal-specific crime data reporting to the Uniform Crime Reporting (UCR) Program, and increase the tribal eligibility for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

More than 140 individual law enforcement officials, representing almost 70 tribal nations across the United States, received training on the UCR Program, which was sponsored by BJS in collaboration with the FBI and the Bureau of Indian Affairs (BIA). In 2013, disaggregated data from 158 American Indian and Alaska Native tribal law enforcement agencies was published in the FBI's annual *Crime in the United States* report, compared to only 12 tribal law enforcement agencies in the 2008 report.

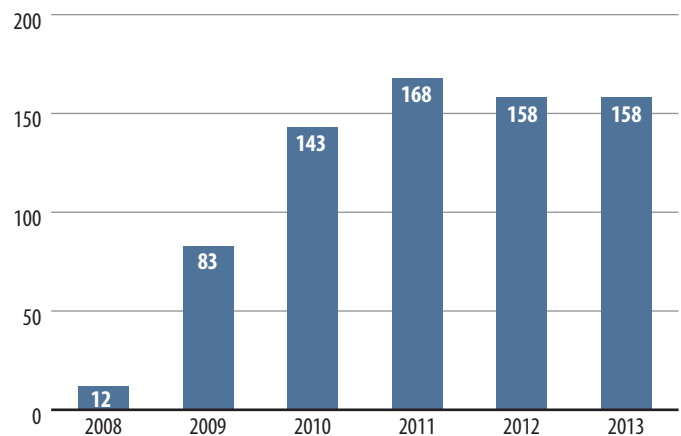
As a result, from 2008 to 2015, 144 awards totaling \$3,543,186 were made available to tribal governments through the JAG Program. The total 2015 JAG funding allocated to tribes was approximately \$266,348, a 24% decrease from the \$350,609 allocated in 2014.

2016 Census of Tribal Law Enforcement in Indian country

In April 2015, BJS released a solicitation to conduct the 2016 Census of Tribal Law Enforcement Agencies (CTLEA-16). CTLEA-16 is the first BJS data collection targeted solely at tribal law enforcement agencies.

Tribal law enforcement agencies reporting crime data published by FBI, 2008–2013

Number of agencies



Note: Agencies that reported fewer than 12 months of data to the Uniform Crime Reporting Program are not included.
Source: Bureau of Justice Statistics, based on data from the FBI's *Crime in the United States*, 2008–2013.

The survey is being designed to capture the attributes of these tribal criminal justice agencies, including information on—

- criminal jurisdiction
- staffing and recruitment
- officer training
- budgets and sources of funding
- equipment
- administrative and management information system
- services and support provided
- agreements with other criminal justice entities
- interactions with federal, state, regional, and local agencies
- access to, participation in, or use of federal, state, regional, and local data systems (e.g., National Crime Information Center, access to and use of offender housing options, and access to and use of investigative support services).

CTLEA-16 will collect information from all tribal law enforcement agencies, Village Public Safety Offices in Alaska, and law enforcement agencies operated by the BIA. Due to their inherent differences, the three general types of agencies will complete their own customized survey that comprises a common core of items in addition to a set of items designed to collect the unique attributes of each agency type. Data collection for CTLEA-16 is scheduled to begin in February 2017 with the first reports planned for release near the end of 2017.

2014 National Survey of Tribal Court Systems

The TLOA mandates that BJS “establish and implement such tribal data collection systems as the BJS Director determines to be necessary.” BJS fielded the 2014 National Survey of Tribal Court Systems (NSTCS-14) in early 2015. Implementation of the NSTCS is part of a multifaceted effort by BJS to expand statistical activities related to tribal crime and justice issues.

The NSTCS-14 gathered information on—

- tribal court administration (governance, authority, and jurisdiction)
- tribal court operations (management and budgets)
- staffing
- case processing and caseloads
- prosecution and indigent defense
- sanctions and sentencing
- information systems access and data entry
- juvenile justice and delinquency.

BJS collaborated with federal and tribal partners to develop and design the NSTCS-14. The NSTCS-14 is helping to improve understanding of the administrative and operational characteristics of tribal justice systems. Due to the variety of tribal courts systems across the United States, BJS developed three separate but compatible survey instruments customized to the various types of tribal courts:

- The NSTCS-Lower 48 focused on tribal courts in the lower 48 states.
- The NSTCS-Alaska focused on Alaska tribal councils, courts, or judicial forums in that region.
- The NSTCS-Courts of Federal Regulations (CFR) was the first BJS data collection from courts operated under CFR.

Tribal court numbers

BJS estimates there are about 426 tribal courts—indigenous forums, tribal courts, and CFR courts. For those tribes where the existence of a tribal court is unknown, the survey was sent to the tribal government.

The NSTCS-14 provided long-term benefits for tribes, updated the 2002 Census of Tribal Agencies, served as an authenticated source for tribal court statistics, and fostered greater transparency in addressing the problems of crime and justice in Indian country. This survey also enhanced tribal eligibility for justice program funding resources, prevention programs, and justice services.

State and local justice agencies serving tribal lands

During 2014, BJS funded two new surveys that gathered statistical data on the work of state and local law enforcement and prosecutors’ offices that handle criminal justice matters on nearby tribal lands: Census of State and Local Law Enforcement Agencies Serving Tribal Lands and the Census of State and Local Prosecutor Offices Serving Tribal Lands. P.L. 280 jurisdictions perform an important role in addressing the challenges of crime and justice in Indian country.

The surveys gathered information about the procedures in place for fighting crime on tribal lands that are based on federal mandates or consensual jurisdiction arrangements between tribal and state governments.

The Census of State and Local Law Enforcement Agencies Serving Tribal Lands and the Census of State and Local Prosecutor Offices Serving Tribal Lands specifically asked about tribal case loads, types of crimes handled, victim services, joint state-tribal programs and agreements with tribal justice systems, and the capabilities of information systems to report statistics related to crime and services provided.

BJS selected NORC at the University of Chicago as the data collection agent. The International Association of Chiefs of Police, the National Sheriffs’ Association, and the Association of Prosecuting Attorneys served as consultants for the project. BJS worked with an expert panel comprising federal, state, local, and tribal justice professionals from P.L. 280 and non-P.L. 280 jurisdictions to inform the survey design and identify data needs.

Jails in Indian country

An estimated 2,380 inmates were confined in Indian country jails at midyear 2014, a 4% increase from the 2,287 inmates confined in 2013. The number of inmates admitted in June 2014 (10,460) was nearly five times the size of the average daily inmate population (2,170). The average expected length of stay upon admission to Indian country jails at midyear 2014 was 6 days.

Between 2004 and 2014, the number of jail facilities operating in Indian country increased from 68 to 79. Over the 10-year period, 11 facilities permanently closed and 21 facilities were newly constructed. Due to the new jail construction, the number of inmates that jails in Indian country were rated to hold increased to 3,720 inmates at midyear 2014 from 3,482 in midyear 2013. During the period between 2000 and 2014, the overall rated capacity grew at a faster rate (up 79%) than the midyear inmate population (up 34%). As a result, the percentage of occupied bed space declined from 86% in 2000 to 64% in 2014. Slightly more than half (51%) of those in Indian country jails were convicted inmates at midyear 2014, down from the peak of 69% in 2009. While males made up the largest percentage (75%) of Indian country jail inmates, the percentage of female inmates increased from 20% to 25% between 2000 and 2014. During that same period, the juvenile population declined—down from 16% to 8%. BJS awarded \$398,812 to Westat, Inc. to complete data collection and analytic tasks for the 2016 through 2019 versions of Survey of Jails in Indian Country. The resulting reports, *Jails in Indian Country*, will be written by BJS staff.

Source: *Jails in Indian Country, 2014*, NCJ 248974, October 2015, www.bjs.gov.

Federal processing of crime on tribal lands

The Urban Institute completed *Examining Indian Country Cases in the Federal Justice System* in February 2015 on the federal justice system's processing of tribal juveniles and adults. The report presented data about Indian country cases at various stages of the federal criminal justice system and reviewed the strengths and limitations of using the Federal Justice Statistics Program data to identify Indian country records.

Admissions and expected length of stay in Indian country jails, by facility size, June 2014

| Facility size ^a | Number of facilities | ADP ^b | Estimated monthly admissions ^c | Expected average length of stay ^d |
|----------------------------|----------------------|------------------|---|--|
| Total | 79 | 2,170 | 10,460 | 6.2 days |
| 9 or fewer | 4 | 5 | 130 | 1.2 |
| 10–24 | 24 | 220 | 2,490 | 2.7 |
| 25–49 | 33 | 740 | 4,680 | 4.7 |
| 50 or more | 18 | 1,220 | 3,170 | 11.5 |

Note: Data are adjusted for nonresponse and rounded to the nearest 10, except for the average daily population (ADP) in facilities with a rated capacity of 9 or fewer. Detail may not sum to total due to rounding.

^aBased on the rated capacity, which is the maximum number of beds or inmates assigned by a rating official.

^bADP is the sum of the number of inmates held on each day in June, divided by 30.

^cData were imputed for five facilities in 2014 that did not respond to the survey (1,763 admissions combined).

^dCalculated by dividing the ADP by the number of June admissions, and multiplying by 30.

Source: Bureau of Justice Statistics, Annual Survey of Jails in Indian Country, 2014.

The report tested an alternative method for identifying Indian country cases, even when the originating agency does not designate the cases as such. The alternative method used geographical indicators regarding place of arrest to identify offenses committed in Indian country and applied a customized record linking process to augment with information collected from subsequent stages of processing.

The study showed that the Indian country caseload increased from FY 2009 to FY 2011 for both juveniles and adults, and that there were few recent changes in Indian country data collection and reporting except those by the Executive Office for U.S. Attorneys.

Source: Adams, W., Samuels, J., & Kelly, J. (2015). *Examining Indian Country Cases in the Federal Justice System*. Retrieved from <https://www.ncjrs.gov/pdffiles1/bjs/grants/248656.pdf>.

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