



BUREAU OF INDIAN AFFAIRS OFFICE OF JUSTICE SERVICES

Division of Tribal Justice Support

Tribal Court Assessments

To further the development, operation, and enhancement of tribal justice systems

The statutory directive and purpose of the Division of Tribal Justice Support (TJS) is to further the development, operations, and enhancement of tribal judicial systems and the Court of Indian Offenses.

TJS serves as a catalyst to promote cooperation and ensure application of high legal standards among tribal justice systems.

TJS provides hands-on training and technical assistance in many legal areas including criminal prosecution, foster care, the Indian Child Welfare Act, and juvenile justice.

Tribal Court Assessment

The tribal court assessment is intended to evaluate tribal needs and provide tribes with recommendations for improving their operational activities, if needed. The tribal court assessment process follows the Tribal Court Performance Standards (TCPS), which have been modified to meet the specific needs of tribal courts. The TCPS incorporates a new philosophy and framework for defining and understanding the effectiveness of tribal courts by focusing attention on performance, self-assessment, and self-improvement.

The tribal court assessment highlights the specific needs of each tribal court. The Division of Tribal Justice Support (TJS) can then provide specific training and technical assistance based on the needs articulated within the tribal court assessment.

Why an Assessment?

The assessment is a guided tribal court self-assessment focused on key court functions. It is:

- collaborative,
- driven by the tribe's stated needs, and
- an overview of the whole court.

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The assessment allows TJS to offer a tribal court training and technical assistance. TJS further provides tribes with a final report that identifies a Strategic Action Plan with specific steps and recommendations on ways to strengthen the tribe's judicial system. In the end, the assessment will be a tool that enables the tribe to address the needs of the tribal court as a whole.

In addition, TJS may provide one-time funding to help resolve the needs of the tribal court.

The benefits of a tribal court self-assessment include possible one-time funding for the services listed below:

- Court management system
- Alcohol monitoring systems
- Mental health assessments
- Court equipment (e.g., date stamps, computers, printers, cameras, court recording systems)
- Training for tribal court staff
- Consultant services to work with the tribe and court on specific projects (e.g., code development, court clerk manual, bench book, rules of procedures, training initiatives)

The Five-Step Tribal Court Assessment Process

Step 1: Documentation Gathering

- Prior to the initial visit, TJS will request documents such as the tribal constitution, tribal codes, and tribal court procedures.

Step 2: Initial Visit

- TJS will conduct an initial visit to meet tribal officials, review the process, and begin collecting information.

Step 3: 3-Day Onsite Assessment

- During this 3-day visit, the TJS assessment team observes court proceedings, reviews case files, and schedules time with key stakeholders in the tribal court system. The assessment team will provide preliminary findings on the main themes that emerged during the assessment.

Step 4: Present Findings and Recommendations

- TJS will then present the report with findings and recommendations to the tribal chairman, tribal council, or individuals the tribal chairman designates.

Step 5: Follow-up and Next Steps

- Thereafter, the tribe and TJS will work together based on the priorities of the tribe.