



U.S. DEPARTMENT OF THE INTERIOR BUREAU OF INDIAN AFFAIRS TRIBAL JUSTICE SUPPORT DIRECTORATE

To further the development, operation, and enhancement of Tribal judicial systems.

In an effort to ensure that justice in tribal forums is administered fairly and with the utmost integrity, the Tribal Justice Support (TJS) Directorate is statutorily mandated to conduct tribal court assessments (25 U.S.C. 3612). The Tribal court assessment is intended to assist in defining specific technical assistance and training needs of Tribal courts.

Thus, the statutory directive and purpose of TJS is to further the development, operation, and enhancement of Tribal judicial systems and Courts of Indian Offenses through a strategic action plan developed under the court assessment process.

TJS promotes cooperation and application of high legal standards among Tribal judicial 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 Tribal Justice Support (TJS) Directorate can then provide specific training and technical assistance based on the needs articulated within the Tribal court assessment.

Why a Court Assessment?

The assessment is a guided Tribal court assessment focused on key court functions. It is:

- Collaborative;
- Driven by the Tribe's stated needs; and
- An overview of the entire court.

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 a Tribe to address the needs of its court as a whole.

In addition, TJS may provide one-time funding (budget-permitting) to help address the needs of a Tribal court.

The benefits of a Tribal court assessment include available one-time funding (budget-permitting) for the services listed below:

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

The Five Step Tribal Court Assessment Process

Step 1: Document Gathering

- Prior to the initial visit, TJS's Assessment Team will request documents such as the Tribal constitution, Tribal codes, and Tribal court procedures.

Step 2: Initial On-Site Meeting

- The TJS Assessment Team will conduct an initial visit to meet Tribal officials, provide an overview of the process, and collect any additional information.

Step 3: Multi-Day On-Site Assessment

- During this on-site 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

- The Assessment Team will present the report with findings and recommendations to the Tribal chairman, Tribal council, or others as designated.

Step 5: Follow up and Next Steps

- Thereafter, the Tribe and TJS will work together based on the priorities identified by the Tribe.

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