



Tribal Crime Data Collection Activities, 2012

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Introduction

The Tribal Law and Order Act (TLOA), enacted July 29, 2010, requires the Bureau of Justice Statistics (BJS) to (1) establish and implement a tribal data collection system and (2) support tribal participation in national records and information systems (P.L. 111-211, 124 Stat. 2258, § 251(b)). The act further requires that the director of BJS consult with Indian tribes to establish and implement this data collection system. The BJS director is required to report to Congress within one year of enactment, and annually thereafter, the data collected and analyzed in accordance with the act.

This report describes activities in support of BJS's tribal crime data collection system and summarizes findings and program enhancements between 2008 and 2012. This analysis includes data from the 2010 U.S. Census, the Census of State and Local Law Enforcement Agencies (CSLLEA), the FBI's Uniform Crime Reporting (UCR) Program, the Edward Byrne

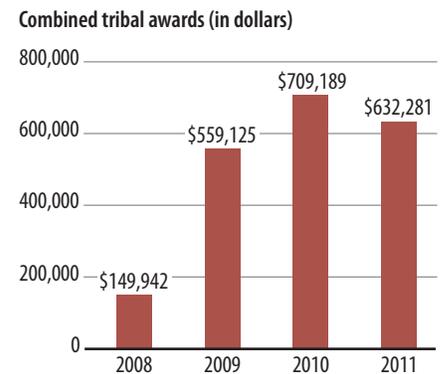
Memorial Justice Assistance Grant (JAG) Program, and the Federal Justice Statistics Program (FJSP).

The tribal justice system in Indian country varies across tribal nations and regions of the country. Criminal jurisdiction in Indian country—federally recognized reservations, tribal communities, and identified trust lands—varies by type of crime committed, whether the offender or victim is a tribal member, and the state in which the offense occurred. Due to the sovereign status of federally recognized tribes in the United States, crimes committed in Indian country are often subject to concurrent jurisdiction between multiple criminal justice agencies.

Advances in the quality and quantity of tribal crime data created additional funding opportunities for American Indian tribes in 2010. As a result of improved reporting and the disaggregation of crime data about individual tribes, the annual Edward Byrne Memorial Justice Assistance

Grant Allocations to American Indian tribal governments more than tripled from 2008 to 2011 ([figure 1](#)).

FIGURE 1
Total Edward Byrne Memorial Justice Assistance Grant Allocations to American Indian tribes, 2008–2011



Source: Bureau of Justice Statistics calculations based on crime data from the FBI's Uniform Crime Reporting Program.

HIGHLIGHTS

- In 2010, the self-identified American Indian and Alaska Native (AIAN) population totaled 5.2 million, or 1.7% of the estimated 308.7 million people in the United States.
- About 3.5 million (76%) of the 4.6 million people living on American Indian reservations or in Alaska Native villages in 2010 were not AIAN.
- Tribally operated law enforcement agencies in Indian country employed 3,043 full-time equivalent (FTE) personnel in 2008.
- From 2008 to 2011, about \$2 million in Edward Byrne Memorial Justice Assistance Grant (JAG) program awards were allocated to tribal governments.
- The FBI's *Crime in the U.S., 2010* included crime data from 144 tribal law enforcement agencies, up from 12 tribal agencies in the 2008 report.
- From 2008 to 2010, tribal law enforcement agencies across the U.S. reported about 72,000 violent and property crimes to the FBI's Uniform Crime Reporting Program.
- Suspects investigated for violent offenses in Indian country totaled 23% of all federal investigations for violent offenses in FY 2010.

In 2002, about 188 tribes reported they had some form of a tribal justice system.¹ In September 2008, American Indian tribes operated 178 law enforcement agencies located in 28 states and employed about 3,000 full-time sworn personnel.² Indian country housed 2,239 inmates in about 80 jails and detention facilities at midyear 2011.

Gaps exist in the available information on the tribal justice system, such as the understanding of existing and emerging issues in the administration and operations of tribal courts in the U.S; their annual caseloads; the implementation of TLOA enhancements; and selection criteria for judges, prosecutors, and public defenders. In August 2011, BJS awarded a multi-year grant to conduct a National Survey of Tribal Court Systems to address some of these concerns. In addition, BJS initiated the development and design of an Indian country justice statistics webpage with the goal of pulling together all available statistical data on the tribal justice system in one place.

2010 Census and race

To adequately understand the nature and context of American Indian crime and justice, the results of the 2010 U.S. Census of Population and Housing prove useful. These results provide information about the number and demographic characteristics of American Indians and Alaska Natives

¹*Census of Tribal Justice Agencies in Indian Country, 2002*, NCJ 205332, BJS website, December 2005.

²*Compendium of Tribal Crime Data, 2011*, NCJ 234459, BJS website, June 2011.

(AIAN) who reside in the U.S., where they live, their tribal affiliations, and residential patterns within Indian country and off reservation lands.

The 2010 Census asked individuals to self-identify their race. Respondents were able to select one or more race categories, as well as their Hispanic or Latino origin (ethnicity). AIAN is the label given to persons whose ancestors originate from North, Central, or South America and who maintain tribal affiliation or community attachment.

In April 2010, the total self-identified AIAN population accounted for 5.2 million, or 1.7%, of the estimated 308.7 million people in the United States.³ This includes people who identified themselves as AIAN only (56%) or AIAN in combination with at least one other race category (44%) (table 1). Between 2000 and 2010, the number of people who self-reported themselves as AIAN (either alone or in combination with at least one other race) increased by 26.7%, a growth rate almost three times that of the overall U.S. population (9.7%) (not shown in table).

³U.S. Census Bureau (2011). *Overview of Race and Hispanic Origin: 2010*. Retrieved from <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>.

Between 2000 and 2010, the number of American Indians and Alaska Natives who described themselves as being of multiracial increased 39.2%, compared to an 18.4% increase in those who described themselves as being a single race. As a result, the percentage of American Indians and Alaska Natives who described themselves as being of more than one race increased from 40% in 2000 to 44% in 2010.

In 2010, about 23% of AIAN people classified themselves as being of Hispanic or Latino origin. This proportion was similar whether they described themselves as being a single race (23%) or multiracial (22%).

AIAN grouping or affiliation

In the 2010 Census, persons who identified themselves as AIAN on the questionnaire were asked to report their enrolled tribe or principal tribal affiliation. Respondents could report one or more tribal affiliation. Census information on tribal affiliation is based on self-identification and therefore is not limited to federally or state-recognized tribes or actual tribal enrollment.

TABLE 1
American Indian and Alaska Native population, by Hispanic/Latino origin, 2010

| Race and ethnicity | Total | | AIAN* | | | |
|---------------------|-----------|---------|------------------|---------|-------------------|---------|
| | Number | Percent | As the only race | | Two or more races | |
| | | | Number | Percent | Number | Percent |
| Total | 5,220,579 | 100% | 2,932,248 | 56.2% | 2,288,331 | 43.8% |
| Hispanic/Latino | 1,190,904 | 23 | 685,150 | 57.5 | 505,754 | 42.5 |
| Non-Hispanic/Latino | 4,029,675 | 77 | 2,247,098 | 55.8 | 1,782,577 | 44.2 |

*American Indian and Alaska Native.

Source: U.S. Census Bureau (2012). *The American Indian and Alaska Native Population: 2010*. Retrieved from <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>.

AIAN persons in the United States may belong to a tribe—or a band or clan—that has a distinct history, culture, and often a separate language. In 2010, among the total 5.2 million self-described AIAN persons (either of one race or multiracial), 3.4 million (65%), indicated a tribal affiliation (not shown in table).⁴ AIAN persons of a single race were more likely to report a tribal grouping, compared to AIAN persons identifying as two or more races. In 2010, 70% (or 2.9 million) of AIAN persons who reported a single race specified a tribal grouping, compared to 60% (or 1.4 million) of AIAN persons who reported they were two or more races.

In 2010, ten tribes comprised 40% of the AIAN population who report affiliation with one or more tribes (table 2). The Cherokee tribe had the largest AIAN population (819,000) in the U.S., followed by the Navajo (332,000), Choctaw (196,000), Mexican American Indian (175,000), Chippewa (170,000), Sioux (170,000), Apache (112,000), Blackfeet (105,000), Creek (88,000), and Iroquois (81,000).

Over half (56%) of AIAN persons in 2010 classified themselves as being of a single race. Among the 10 largest tribes in 2010, the proportion of AIAN persons that classified themselves as a single race varied by tribe (figure 2). Persons who described themselves as Navajo had the highest proportion (86%) of individuals who identified with a single race in 2010. Among the 332,000 persons affiliated with the Navajo, 286,000 reported being of a single race. In comparison, among the 105,000 persons that reported affiliation with the Blackfeet tribe 27,000 (26%) indicated they were of a single race.

⁴U.S. Census Bureau (2011). *The American Indian and Alaska Native population: 2010*. Retrieved from <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>.

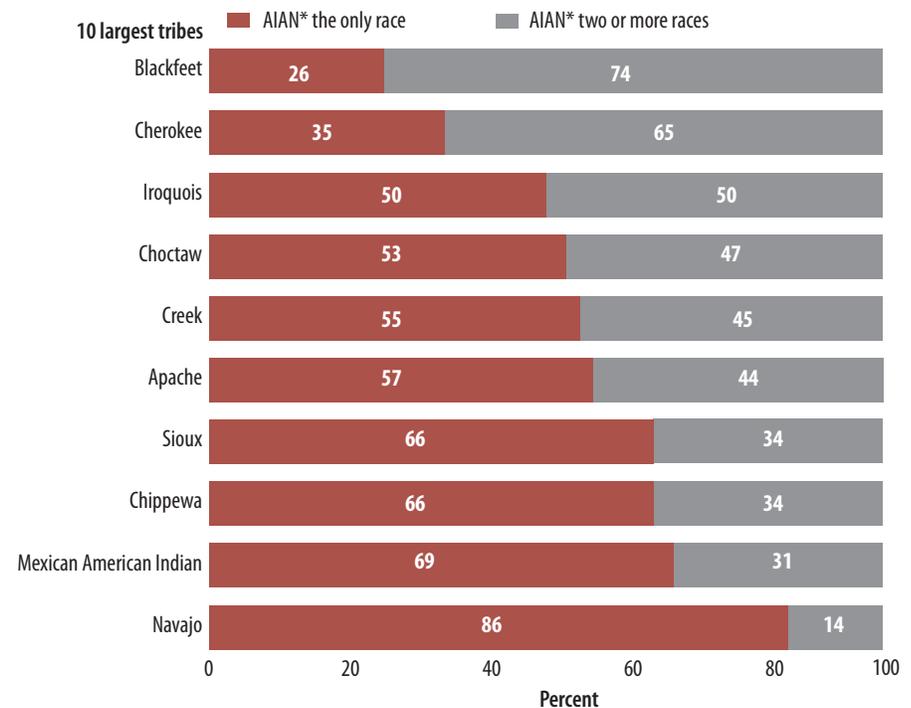
TABLE 2
American Indians and Alaska Natives reporting tribal affiliation, by race, 2010

| Tribal affiliation | Total number | AIAN* | | | |
|-------------------------------|--------------|------------------|---------|-------------------|---------|
| | | As the only race | | Two or more races | |
| | | Number | Percent | Number | Percent |
| Total AIAN* population | 5,220,579 | 2,932,248 | 56% | 2,288,331 | 44% |
| 10 largest tribes | 2,249,792 | 1,202,320 | 53% | 1,048,590 | 47% |
| Cherokee | 819,105 | 286,687 | 35% | 532,418 | 65% |
| Navajo | 332,129 | 285,631 | 86% | 46,498 | 14% |
| Choctaw | 195,764 | 103,755 | 53% | 92,009 | 47% |
| Mexican American Indian | 175,494 | 121,091 | 69% | 54,403 | 31% |
| Chippewa | 170,742 | 112,690 | 66% | 58,052 | 34% |
| Sioux | 170,110 | 112,273 | 66% | 57,837 | 34% |
| Apache | 111,810 | 63,732 | 57% | 49,196 | 44% |
| Blackfeet | 105,304 | 27,379 | 26% | 77,925 | 74% |
| Creek | 88,332 | 48,583 | 55% | 39,749 | 45% |
| Iroquois | 81,002 | 40,501 | 50% | 40,501 | 50% |

*American Indian and Alaska Native.

Source: U.S. Census Bureau (2012). *The American Indian and Alaska Native Population: 2010*. Retrieved from <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>.

FIGURE 2
American Indians and Alaska Natives affiliated with the 10 largest tribes, by race, 2010



*American Indian and Alaska Native.

Source: U.S. Census Bureau (2012). *The American Indian and Alaska Native Population: 2010*. Retrieved from <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>.

American Indian reservations and Alaska Native villages

A total of 565 tribal entities are recognized and eligible for funding and services from the Bureau of Indian Affairs. There were 334 federally and state-recognized American Indian reservations in 2010. In the U.S., 4.8 million people lived on American Indian reservations or in Alaska Native villages. A quarter (or 1.1 million) of these individuals classified themselves as AIAN. (See *Methodology* for more

information about federally recognized tribes, reservations, and Alaska Native village statistical areas.)

Most (77% or 3.5 million) of the 4.6 million people living on American Indian reservations in the continental U.S. did not identify as AIAN during 2010 (table 3). A total of 243,000 people resided within Alaska Native village statistical areas, and about 78,000 (or 32%) self-identified as AIAN.

During 2010, a minority (23% or 1.1 million) of the 5.2 million AIAN persons in the U.S. lived on American Indian reservations or in Alaska Native villages. A greater proportion of AIAN persons who lived in tribal areas identified themselves as being of one race (84%) than multiracial (16%). About 67% of the AIAN-only population lived outside of tribal areas, compared to 92% of the AIAN multiracial population.

TABLE 3
U.S. population living on and off American Indian reservations and Alaska Native villages, 2010

| Location | U.S. resident population | Non-AIAN* | | Total | | AIAN* | | | |
|---|--------------------------|-------------|-------------------------------------|-----------|-------------------------------------|------------------|------------------|-------------------|------------------|
| | | Number | Percent of U.S. resident population | Number | Percent of U.S. resident population | As the only race | | Two or more races | |
| | | | | | | Number | Percent of AIAN* | Number | Percent of AIAN* |
| Living outside AIAN* areas | 303,926,798 | 299,853,771 | 99% | 4,073,027 | 1% | 1,965,113 | 48% | 2,107,914 | 52% |
| Living inside AIAN* areas | 4,818,740 | 3,671,188 | 76% | 1,147,552 | 24% | 963,944 | 84% | 183,608 | 16% |
| American Indian reservation areas | 4,576,127 | 3,506,716 | 77 | 1,069,411 | 23 | 901,280 | 84 | 168,131 | 16 |
| Alaska Native village statistical areas | 242,613 | 164,472 | 68 | 78,141 | 32 | 65,855 | 84 | 12,286 | 16 |

*American Indian and Alaska Native.

Source: U.S. Census Bureau (2012). *American Indian and Alaska Native Population: 2010*. Retrieved from <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>.

The Census Bureau ranked the American Indian reservations based on the number of AIAN persons (either of one race or multiracial) living on the reservation.⁵ Navajo Nation was the largest reservation with more than 169,000 identifying as AIAN. The next largest reservations with more than 10,000 persons identifying as AIAN included Pine Ridge (17,000), Fort Apache (13,000), Gila River (11,000),

Osage (10,000), San Carlos (10,000), Rosebud reservation and trust land (10,000) (table 4).

Among reservations, the Navajo Nation had the largest total (including AIAN and non-AIAN residents) population in 2010 (174,000). The Osage Reservation in Oklahoma had the second largest total population (47,000), and it had the largest proportion (79%) of residents that were not AIAN.

Alaska Native villages were also ranked by AIAN population (either of one race or multiracial). The three Alaska Native village statistical areas with the largest AIAN populations in 2010 were: Knik (7,000), Bethel (4,000), and Kenaitze (3,000).

Among the Alaska Native villages in 2010, Knik (66,000) had the largest total population, followed by Kenaitze (33,000) and Chickaloon (23,000). About 90% of the residents of these villages were not AIAN.

⁵U.S. Census Bureau (2011). *The American Indian and Alaska Native Population: 2010*. Retrieved from <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>.

TABLE 4
Resident population of the 20 largest American Indian reservations and Alaska Native villages, by race, 2010

| Reservations and villages | Total population | Non-AIAN* | | AIAN* | | | Two or more races |
|---|------------------|-----------|------------------|---------|------------------|------------------|-------------------|
| | | Number | Percent of total | Number | Percent of total | As the only race | |
| American Indian reservation | | | | | | | |
| Navajo Nation Reservation and Off-Reservation Trust Land (AZ, NM, UT, and CO) | 173,667 | 4,346 | 3% | 169,321 | 97% | 166,824 | 2,497 |
| Pine Ridge Reservation (SD and NE) | 18,834 | 1,928 | 10 | 16,906 | 90 | 16,580 | 326 |
| Fort Apache Reservation (AZ) | 13,409 | 395 | 3 | 13,014 | 97 | 12,870 | 144 |
| Gila River Indian Reservation (AZ) | 11,712 | 461 | 4 | 11,251 | 96 | 10,845 | 406 |
| Osage Reservation (OK) | 47,472 | 37,552 | 79 | 9,920 | 21 | 6,858 | 3,062 |
| San Carlos Reservation (AZ) | 10,068 | 167 | 2 | 9,901 | 98 | 9,835 | 66 |
| Rosebud Indian Reservation and Off-Reservation Trust Land (SD) | 10,869 | 1,060 | 10 | 9,809 | 90 | 9,617 | 192 |
| Tohono O'odham Nation Reservation and Off-Reservation Trust Land (AZ) | 10,201 | 923 | 9 | 9,278 | 91 | 9,139 | 139 |
| Blackfeet Indian Reservation and Off-Reservation Trust Land (MT) | 10,405 | 1,256 | 12 | 9,149 | 88 | 8,944 | 205 |
| Flathead Reservation (MT) | 28,359 | 19,221 | 68 | 9,138 | 32 | 7,042 | 2,096 |
| Alaska Native village statistical area | | | | | | | |
| Knik | 65,768 | 59,186 | 90% | 6,582 | 10% | 3,529 | 3,053 |
| Bethel | 6,080 | 1,746 | 29 | 4,334 | 71 | 3,953 | 381 |
| Kenaitze | 32,902 | 29,485 | 90 | 3,417 | 10 | 2,001 | 1,416 |
| Barrow | 4,212 | 1,323 | 31 | 2,889 | 69 | 2,577 | 312 |
| Ketchikan | 12,742 | 10,137 | 80 | 2,605 | 20 | 1,692 | 913 |
| Kotzebue | 3,201 | 616 | 19 | 2,585 | 81 | 2,355 | 230 |
| Nome | 3,681 | 1,285 | 35 | 2,396 | 65 | 1,994 | 402 |
| Chickaloon | 23,087 | 20,714 | 90 | 2,373 | 10 | 1,369 | 1,004 |
| Dillingham | 2,378 | 795 | 33 | 1,583 | 67 | 1,333 | 250 |
| Sitka | 4,480 | 3,240 | 72 | 1,240 | 28 | 855 | 385 |

*American Indian and Alaska Native.

Source: U.S. Census Bureau, (2012). *The American Indian and Alaska Native Population: 2010*. Retrieved from <http://www.census.gov/prod/cen2010/briefs/c2010br-10.pdf>.

Tribal law enforcement

Tribal sworn full-time equivalent (FTE) law enforcement staffing

Tribally operated law enforcement agencies provide a broad range of public safety services, such as responding to calls for service, investigating crimes, enforcing traffic laws, executing arrest warrants, serving process, and conducting search and rescue operations within the boundaries of tribal lands in the U.S.

In September 2008, AIAN tribes operated 178 law enforcement agencies that employed at least one full-time sworn officer with general arrest powers in the continental U.S.⁶ About 90% of tribally operated law enforcement agencies were general purpose police departments, and the others were special jurisdiction agencies responsible for enforcing natural resources laws.

Tribally operated law enforcement agencies in 2008 employed 3,043 sworn full-time equivalent (FTE) personnel (table 5). Collectively, tribes operated law enforcement agencies in 28 states. The largest tribal law enforcement agency, the Navajo Police Department, employed 393 FTE personnel in Arizona, New Mexico, and Utah. Washington (24), Arizona (22), Oklahoma (19), and New Mexico (17) had the largest numbers of tribal law enforcement agencies (not shown in table).

In addition to tribally operated law enforcement agencies, the Bureau of Indian Affairs (BIA), within the Department of the Interior (DOI), operated 42 agencies that provided law enforcement services in Indian country.⁶ These agencies police Indian tribes and reservations that do not have their own police force and oversee other tribal police organizations. As federal police officers, BIA police enforce federal laws relating to Indian country and, in

⁶For additional information on the Bureau of Indian Affairs police and operations see <http://www.bia.gov/WhoWeAre/BIA/OJS/DOLE/index.htm>.

some instances, are granted authority to enforce tribal law by tribal ordinance or statute. Nationwide, BIA employed an estimated 277 full-time sworn personnel in 2008.

Alaska is a Public Law 280 state. (See *Methodology* for more information about Public Law 280.) Alaska Native tribes generally do not have police departments, but many have Village Public Safety Officers (VPSO) who reside in the community. The VPSO Program began as a means of providing rural Alaskan communities with needed public safety services at the local level. For additional information, see <http://www.dps.state.ak.us/ast/vpso/>.

Tribal Uniform Crime Reporting Program training and technical assistance

The FBI's Uniform Crime Reporting (UCR) Program is a national data collection system that captures information on crimes known to law enforcement agencies across the country. Among their many uses, the UCR data are used to distribute federal funds to state and local justice systems.

In the past, many tribal justice systems were ineligible to receive some federal funds because they did not contribute data to the UCR Program.

Between 2009 and 2010, over 140 individual law enforcement officials, representing almost 70 tribal nations across the U.S., received training on the UCR Program sponsored by BJS in coordination with the FBI. The purpose of the two-day training was to expand the number of tribal agencies reporting to the UCR and to improve the accuracy of the reported data.

These UCR trainings addressed the unique needs and problems faced by Indian country sworn personnel who are responsible for reporting data to the UCR. In addition to the standard UCR training, 21 tribal law enforcement agencies also completed training on the FBI's National Incident Based Reporting System (NIBRS) (table 6).⁷

⁷National Incident Based Reporting System (NIBRS) is an incident-based reporting system that collects more comprehensive and detailed data on crime from local, state, and federal law enforcement agencies.

TABLE 5

Full-time equivalent sworn tribal law enforcement officers in the 20 largest tribal police departments, 2008

| Police department | Full-time equivalent officers |
|---|-------------------------------|
| All tribal police departments | 3,043 |
| 20 largest tribal police departments | 1,358 |
| Navajo Nation Tribal Department of Law Enforcement (AZ, NM, UT, and CO) | 393 |
| Seminole Tribal Police Department (FL) | 144 |
| Salt River Tribal Police Department (AZ) | 125 |
| Gila River Tribal Police Department (AZ) | 93 |
| Tohono O'odham Tribal Police (AZ) | 66 |
| Choctaw Tribal Police Department (MS) | 50 |
| Oglala Sioux Tribe Department of Public Safety (SD) | 49 |
| Cherokee Tribal Police Department (NC) | 45 |
| Poarch Creek Tribal Police Dept (AL)* | 45 |
| Muscogee Creek Nation Tribal Police (OK) | 39 |
| Miccosukee Tribal Police Department (FL) | 36 |
| Choctaw Nation Tribal Police Department (OK) | 32 |
| Cherokee Nation Tribal Marshal Service (OK) | 32 |
| Colville Tribal Police Department (WA) | 32 |
| White Mountain Apache Tribal Police Department (AZ) | 30 |
| Saginaw Chippewa Tribal Police Department (MI) | 30 |
| Warm Springs Tribal Police Department (OR) | 30 |
| Tulalip Tribal Police (WA) | 30 |
| Isleta Tribal Police Department (NM) | 29 |
| Yakama Nation Tribal Police (WA) | 28 |

*Poarch Creek Tribal Police Department employed 33 full-time sworn officers and 23 part-time sworn officers.

Source: Bureau of Justice Statistics, Census of State and Local Law Enforcement Agencies, 2008.

TABLE 6

Federally recognized tribes that completed BJS-sponsored training on the FBI's Uniform Crime Reporting (UCR) Program, 2009–2010

◆ Completed basic UCR training.
 ■ Completed both basic UCR training and specialized NIBRS training.

| State | Completed training | State | Completed training |
|---|--------------------|--|--------------------|
| Alaska | | New Mexico | |
| Aleut Community of St. Paul Island | ◆ | Pueblo of Acoma | ■ |
| Arizona | | Pueblo of Santa Ana | ■ |
| Cocopah Indian Tribe | ◆ | Pueblo of Zuni Tribe | ◆ |
| Colorado River Indian Tribes | ◆ | Ramah Navajo Chapter | ■ |
| Fort McDowell Yavapai Nation | ■ | Zuni Tribe of the Zuni Reservation | ■ |
| Fort Mojave Tribe | ◆ | New York | |
| Gila River Indian Community | ◆ | Oneida Indian Nation | ■ |
| Hualapai Indian Tribe of the Hualapai Indian Reservation | ■ | Oklahoma | |
| Navajo Nation | ◆ | Cherokee Nation | ◆ |
| Salt River Pima Maricopa Indian Community | ◆ | Chickasaw Nation | ◆ |
| The Hopi Tribe | ◆ | Citizen Potawatomi Nation | ◆ |
| Tohono O'odham Nation | ◆ | Comanche Nation | ◆ |
| Yavapai-Prescott Tribe of the Yavapai Reservation | ■ | Delaware Nation of Oklahoma for the Delaware Nation Tribal Police System | ◆ |
| California | | Miami Nation | ◆ |
| Coyote Valley Tribe | ◆ | Wyandotte Nation | ■ |
| Hoopa Valley Indian Reservation | ■ | Oregon | |
| Hopland Band of Pomo Indians of the Hopland Rancheria | ■ | Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians | ◆ |
| Los Coyotes Band of Cahuilla and Cupeno Indians | ◆ | Confederated Tribes of Warm Springs Reservation of Oregon | ◆ |
| Robinson Rancheria Band of Pomo Indians | ■ | South Dakota | |
| Sycuan Band of the Kumeyaay Nation | ◆ | Oglala Sioux Tribe | ◆ |
| Table Mountain Tribe | ◆ | Sisseton-Wahpeton Oyate Tribe | ◆ |
| Yurok Tribe | ■ | Yankton Sioux Tribe of South Dakota | ■ |
| Connecticut | | Texas | |
| Mohegan Tribe of Indians of Connecticut | ◆ | Kickapoo Traditional Tribe of Texas | ◆ |
| Florida | | Washington | |
| Seminole Tribe of Florida | ◆ | Colville Confederated Tribes | ◆ |
| Idaho | | Lummi Tribe | ◆ |
| Nez Perce Tribe | ■ | Port Gamble S'Klallam Tribe | ◆ |
| Maine | | Snoqualmie Tribe | ◆ |
| Penobscot Indian Nation | ◆ | Spokane Tribe of the Spokane Reservation | ◆ |
| Massachusetts | | Squaxin Island Tribe of the Squaxin Indian Reservation | ■ |
| Wampanoag Tribe of Gay Head (Aquinnah) | ◆ | The Confederated Tribes of the Chehalis Reservation | ◆ |
| Michigan | | Wisconsin | |
| Lac Vieux Desert Band of Lake Superior Chippewa Indians | ■ | Menominee Indian Tribe of Wisconsin | ◆ |
| Little Traverse Bay Bands of Odawa Indians | ■ | Oneida Nation | ◆ |
| Pokagon Band of Potawatomi Indians | ◆ | Red Cliff Tribal Police Department | ◆ |
| Montana | | | |
| Chippewa Cree Tribe of Rocky Boy's Reservation | ■ | | |
| Nevada | | | |
| Moapa Band of Paiutes | ◆ | | |
| Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation | ■ | | |
| Reno Sparks Indian Colony | ◆ | | |
| Walker River Paiute Tribe | ◆ | | |
| Washoe Tribe of Nevada and California | ■ | | |
| Yerington Paiute Tribe | ◆ | | |

Source: Bureau of Justice Statistics, Recovery Act Tribal Crime Data Program: UCR and NIBRS training.

Tribal Data Exchange Process: How do tribal crime statistics get into the UCR?

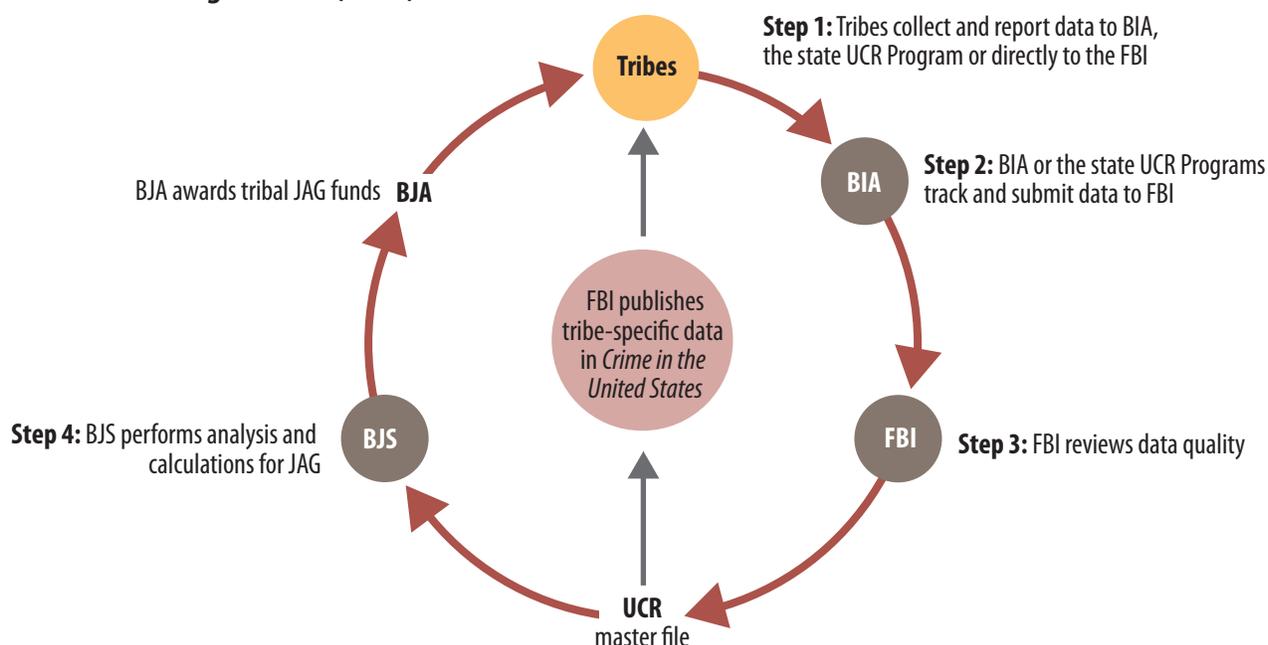
From 2009 to 2012, BJS funded the Recovery Act: Tribal Crime Data Collection, Analysis, and Estimation Project to improve tribal crime data reporting. The goal of this project was to enhance the utility of tribal crime and justice data by increasing the number of tribes reporting crime data to the FBI's Uniform Crime Reporting (UCR) Program, and in doing so increasing the number of tribes eligible for the Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

In order to accomplish this goal, BJS formed a tribal federal coordinating committee composed of representatives from BJS, the FBI, and the Bureau of Indian Affairs (BIA) at the Department of Interior. An important activity of the federal coordinating committee was to implement the Tribal Data Exchange Process (TDEP) developed by BJS.

TDEP enables the integration of tribal justice data into regional and national criminal justice systems, such as the UCR. TDEP illustrates to stakeholders the conceptual process of collecting, validating, verifying, and disseminating Indian country crime and justice information. This model is premised upon collaboration between federal and tribal organizations and provides a culturally sensitive approach to information-sharing. TDEP simplifies the process into four primary steps involving the custody of the data (figure 3).

- **Step 1:** Tribal law enforcement agencies are responsible for collecting and classifying incident data. Tribes submit crime data monthly to BIA or, in very few cases, directly to the FBI's Criminal Justice Information Services (CJIS) Division or state UCR Programs.
- **Step 2:** BIA, the state UCR Programs, or the tribal direct contributors track and verify these monthly submissions. The state UCR Programs and direct tribal contributors to the FBI provide data on the standard Return A form used by the FBI's Uniform Crime Reporting (UCR) Program. The Return A is the form local, county, state, tribal, and federal law enforcement agencies complete monthly for the UCR Program on offenses known to law enforcement agencies.
- **Step 3:** The FBI verifies the data quality and enters only valid tribal data into the UCR master file and publishes the data in the *Crime in the United States* series.
- **Step 4:** BJS uses the UCR master file and published data to—
 - conduct tribal JAG calculations for the Bureau of Justice Assistance.
 - analyze crime levels on tribal lands.
 - identify needs for training and technical assistance to help tribes collect, report, automate, and improve the quality of their crime data.
 - provide tribal and public access to data.

FIGURE 3
Tribal Data Exchange Process (TDEP)



Offenses known to tribal law enforcement agencies between 2008 and 2010

The FBI asks law enforcement agencies to report eight crime types to the traditional UCR Program: four violent crimes (murder, forcible rape, robbery, and aggravated assault) and four property crimes (burglary, larceny-theft, motor vehicle theft, and arson). These eight crimes are often considered the barometer of the overall crime problem in a jurisdiction. From 2008 to 2010, tribal law enforcement agencies across the U.S. reported about 72,000 violent and property crimes to the UCR Program (table 7).

Of the approximately 17,000 violent crimes reported by tribal law enforcement agencies between 2008 and 2010, 77% were aggravated assaults, 15% were forcible rapes, 5% were robberies, and 3% were criminal homicides. During the same time, tribal law enforcement agencies reported approximately 54,000 property crimes to the FBI: 55% were larceny-thefts, 26% were burglaries, 14% were motor vehicle thefts, and 5% were arsons.

Tribe-specific reporting of crime data

From 2008 to 2010, the overall number of tribal law enforcement agencies with identifiable crime data in the FBI's UCR Program increased. In 2010, 144 AIAN tribal law enforcement agencies had disaggregated data published in the FBI's annual *Crime in the United States* report, compared to only 12 tribal law enforcement agencies in the 2008 report.

In 2010, 79% of violent offenses reported by tribal law enforcement agencies could be traced back to the originating tribal reservation, up substantially from 1% in 2008 (figure 4). Between 2008 and 2010, the proportion of property offenses reported by tribal law enforcement agencies that were traceable to the tribe increased from 13% to 88%.

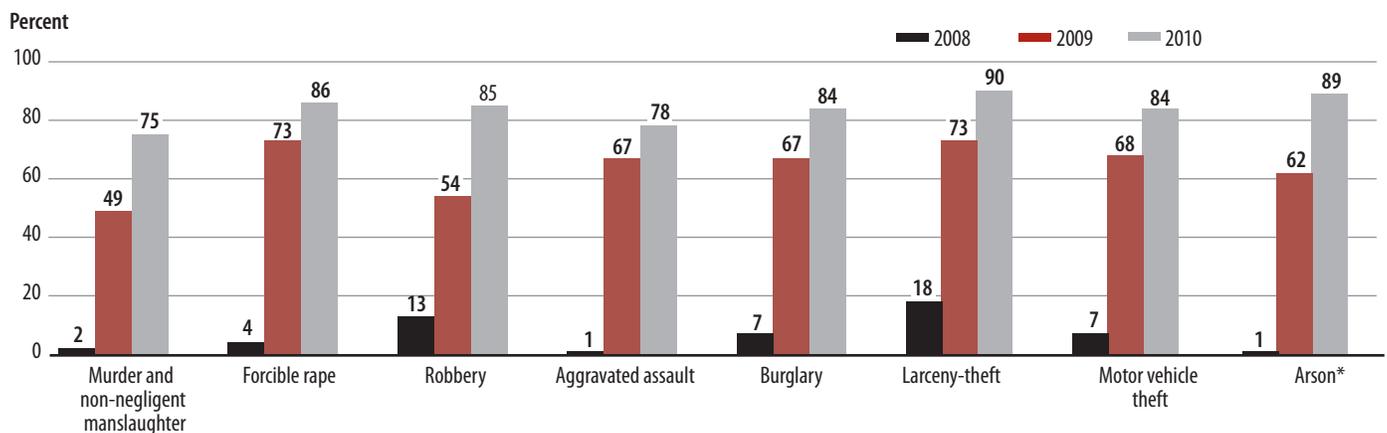
TABLE 7
Violent and property crime reported by tribal law enforcement agencies to the FBI's UCR Program, 2008–2010

| Offense | 2008–2010 | 2008 | 2009 | 2010 |
|---------------------------------------|-----------|--------|--------|--------|
| Total | 71,623 | 24,923 | 22,637 | 24,063 |
| Violent | 17,394 | 6,212 | 5,650 | 5,532 |
| Murder and non-negligent manslaughter | 444 | 172 | 139 | 133 |
| Forcible rape | 2,613 | 879 | 882 | 852 |
| Robbery | 869 | 296 | 293 | 280 |
| Aggravated assault | 13,468 | 4,865 | 4,336 | 4,267 |
| Property | 54,229 | 18,711 | 16,987 | 18,531 |
| Burglary | 14,286 | 4,692 | 4,604 | 4,990 |
| Larceny-theft | 29,744 | 10,168 | 9,081 | 10,495 |
| Motor vehicle theft | 7,338 | 2,664 | 2,446 | 2,228 |
| Arson* | 2,861 | 1,187 | 856 | 818 |

*Law enforcement agencies do not submit reports for arson to the FBI's UCR Program unless they have the full 12 months of arson data for that year.

Source: FBI, *Crime in the United States*, 2008–2010.

FIGURE 4
Crimes reported by tribal law enforcement agencies to the UCR that can be linked to the tribe, 2008–2010



*Law enforcement agencies do not submit reports for arson to the FBI's UCR program unless they have the full 12 months of arson data for that year.

Source: FBI, *Crime in the United States*, 2008–2010.

Tribes and Justice Assistance Grant (JAG) Program

A total of \$2,050,537 was made available to tribal governments through the Edward Byrne Memorial Justice Assistance Grant (JAG) Program

between 2008 and 2011 (table 8). The Bureau of Justice Assistance (BJA) administers the JAG Program. BJS calculates the JAG formula-based award amounts using specifications outlined in the legislation. JAG awards may be used for the following seven purposes

areas: law enforcement; prosecution and courts; prevention and education; corrections and community corrections; drug treatment; planning, evaluation, and technology improvement; and crime victim and witness programs.

TABLE 8
American Indian tribes that received Edward Byrne Memorial Justice Assistance Grant (JAG) awards, 2008–2011

| State | 2008 | 2009 | 2010 | 2011 | Combined total |
|--|-----------|-----------|-----------|-----------|----------------|
| Total tribal awards | \$149,942 | \$559,125 | \$709,189 | \$632,281 | \$2,050,537 |
| Mean | \$29,988 | \$27,956 | \$32,236 | \$27,490 | |
| Minimum individual award | \$10,288 | \$11,956 | \$12,699 | \$11,124 | |
| Maximum individual award | \$96,083 | \$73,131 | \$111,750 | \$91,922 | |
| Number of eligible tribes | 5 | 20 | 22 | 23 | |
| Arizona | | | | | |
| Fort Apache Tribe | ~ | ~ | \$29,761 | \$22,804 | \$52,565 |
| Ft. Apache (White Mtn.) Tribe | | \$22,923 | ~ | ~ | 22,923 |
| Gila River Pima-Maricopa Indian Community | \$13,119 | 22,837 | 35,416 | 29,378 | 100,750 |
| Hualapai Tribe | ~ | 11,956 | 15,273 | 13,285 | 40,514 |
| Navajo Nation | 96,083 | 70,747 | 90,563 | 73,720 | 331,113 |
| San Carlos Apache Tribe | ~ | 23,267 | 26,583 | 22,051 | 71,901 |
| Tohono O'dham Tribe | ~ | 14,192 | ~ | ~ | 14,192 |
| Idaho | | | | | |
| Coeur D'Alene Tribe | ~ | \$18,028 | \$32,881 | \$27,179 | \$78,088 |
| Minnesota | | | | | |
| Red Lake Dept. of Conservation Tribal | ~ | ~ | ~ | \$15,684 | \$15,684 |
| Mississippi | | | | | |
| Choctaw Law Enforcement Services | ~ | \$27,439 | \$37,373 | \$35,657 | \$100,469 |
| Montana | | | | | |
| Blackfoot Tribal Law Enforcement | ~ | \$73,131 | \$111,750 | \$91,922 | \$276,803 |
| Chippewa-Cree Indians | ~ | ~ | 19,188 | 15,784 | 34,972 |
| Crow Tribe | ~ | ~ | 13,066 | ~ | 13,066 |
| Flathead Tribe | ~ | 20,500 | 19,737 | 16,235 | 56,472 |
| Northern Cheyenne Tribe | ~ | ~ | 13,523 | 11,124 | 24,647 |
| Nebraska | | | | | |
| Omaha Tribe of Nebraska | ~ | \$25,699 | \$23,831 | \$19,496 | \$69,026 |
| Winnebago Tribe | ~ | 13,513 | ~ | ~ | 13,513 |
| New Mexico | | | | | |
| Mescalero Apache Tribe | ~ | \$19,875 | \$25,754 | \$24,534 | \$70,163 |
| Pueblo of Laguna | ~ | 17,939 | 12,699 | 11,205 | 41,843 |
| North Dakota | | | | | |
| Fort Berthold Tribe | ~ | \$22,156 | ~ | ~ | \$22,156 |
| Fort Totten Tribe | ~ | 65,336 | \$28,371 | \$14,384 | 108,091 |
| Standing Rock Sioux Tribe | ~ | ~ | ~ | 42,527 | 42,527 |
| Three Affiliated Tribes of the Fort Berthold Reservation | ~ | ~ | 18,092 | 11,793 | 29,885 |
| Turtle Mountain Band of Chippewa Indians | ~ | 23,773 | 28,645 | 24,480 | 76,898 |
| Oregon | | | | | |
| Confederated Tribes of the Warm Springs Reservation | \$11,016 | ~ | ~ | ~ | \$11,016 |
| South Dakota | | | | | |
| Cheyenne River Tribal Police Department | \$19,436 | \$21,024 | \$20,614 | \$16,460 | \$77,534 |
| Oglala Sioux Tribe | ~ | 22,108 | 28,827 | 26,697 | 77,632 |
| Rosebud Tribal Police Dept | ~ | ~ | 49,944 | 39,878 | 89,822 |
| Sisseton-Wahpeton Oyate Tribe | 10,288 | ~ | ~ | ~ | 10,288 |
| Wyoming | | | | | |
| Wind River | ~ | \$22,682 | \$27,298 | \$26,004 | \$75,984 |

~Not applicable because the tribe did not have crime data included in this year's Uniform Crime Reporting Program.

Source: Bureau of Justice Statistics calculations based on data from the FBI's Uniform Crime Reporting Program and the U.S. Census Bureau.

The total 2011 JAG funding allocation for tribal nations was approximately \$632,000, a 322% increase over the \$150,000 allocation in 2008. In addition, the overall number of tribes eligible for JAG awards increased from 5 in 2008 to 23 in 2011. The five largest total tribal government JAG allocations in 2011 were awarded to the Blackfeet (\$91,922), Navajo Nation (\$73,720), Standing Rock Sioux Tribe (\$42,527), Rosebud (\$39,878), and Choctaw (\$35,657). Four of the five tribes also received the highest awards in 2010 (the Standing Rock Sioux Tribe was not included). All of the tribes that were eligible for direct awards in 2011 were from 11 states. From 2008 to 2011, about 77% of all direct tribal JAG awards went to tribal governments in Arizona (\$633,958), Montana (\$405,960), North Dakota (\$279,557), and South Dakota (\$255,276).

Tribal court systems

The tribal justice systems promote self-determination, advance and protect the rights of self-government, and fight crime and violence in Indian country. The number of cases handled in tribal courts across the U.S. is unknown. Some criminal and civil issues are handled directly by indigenous forums or tribal courts, some are sent through the federal court system, and others are handled by state courts. The court systems operating in Indian country vary by tribe. The Indian country judicial system revolves around a core of five legal institutions: indigenous forums (also known as traditional courts), Court of Indian Offenses (Code of Federal Regulations (CFR)), inter-tribal courts, the courts of appeal, and tribal courts of general jurisdiction. For a definition of the tribal justice system, see *Methodology*.

BJS has actively coordinated and collaborated with federal and tribal partners to develop and design the 2012 National Survey of Tribal Court Systems (NSTCS-12). The NSTCS-12 is part of BJS's multifaceted effort to expand its statistical activities related to tribal crime and justice issues.

2012 National Survey of Tribal Court Systems

Through the NSTCS-12, BJS will gather information to improve the nation's understanding of the administrative and operational characteristics of tribal justice systems, including budgets, staffing, caseloads and case process, indigent defense services, implementation of various enhanced sentencing provisions of the Tribal Law and Order Act (TLOA), and various indigenous or traditional dispute forums operating within Indian country. To facilitate this effort, BJS has undertaken the following steps.

Since December 2011, BJS has coordinated regular meetings with the various Department of Justice (DOJ) components, including the Office of Tribal Justice; FBI; Office for Access to Justice Initiative; National Institute of Justice; BJA; Office for Victims of Crime; Office of Juvenile Justice and Delinquency Prevention; Sex Offender Sentencing, Monitoring, Apprehending, Registering, and Tracking Office; and the DOI's BIA. The various DOJ components described the types of information about tribal courts relevant to their respective programs and roles. They also provided guidance to address emerging TLOA issues.

In March 2012, the director of BJS sent a letter to all federally and state-recognized tribes across the U.S. announcing the new survey and its significance, as well as inviting participation and input from tribal nations in the design and development of the survey instrument. The NSTCS-12 design and development process includes, but is not limited to 1) conducting outreach to and collaborating with tribal justice agencies and experts, 2) verifying contact information for all tribal courts in the U.S., 3) identifying subject matter and policy topics, 4) exploring methods to ensure high response rates, and 5) determining the types of follow-up required.

Outreach and collaboration with tribal justice systems

Since 2011, BJS has actively conducted (and will continue to conduct) outreach with tribal members and justice professionals through its participation and attendance at various Indian country-related conferences or meetings:

- Office of Justice Programs Tribal Justice, Safety and Wellness Conference, New Mexico, December 2011
- Indian Law and Order Commission Field Hearing, Washington, DC, March 2012
- Bureau of Justice Assistance Tribal Civil and Criminal Legal Assistance Program Planning and Coordination Meeting, Washington, DC, June 2012
- Justice Department's Tribal Nations Leadership Council, Washington, DC, July 2012
- 2012 National Tribal Judicial Conference, Minnesota, October 2012
- Office for Victims of Crime 13th National Indian Nations Conference, California, December 2012.

The NSTCS-12 is also being developed and designed in consultation with tribal justice professionals. The following organizations serve as partners for the NSTCS-12 and met at the Office of Justice Programs in May 2012:

- American Indian Development Associates, New Mexico
- Hamline University School of Law, Minnesota
- Kansas University School of Law's Tribal Law and Government Center
- National Judicial College, the National Tribal Judicial Center, Nevada
- Standing Rock Sioux Tribe, South Dakota
- The Supreme Court of the Navajo Nation, Arizona

- Syracuse University College of Law, the Center for Indigenous Law, Governance, and Citizenship
- Tanana Chiefs Conference, Alaska
- Tribal Law and Policy Institute, California
- University of Colorado at Boulder, American Indian Law Clinic
- University of North Dakota School of Law's Tribal Judicial Institute.

BJS has also assembled a panel of tribal judges and court administrators to serve as consultants to the project. BJS selected tribal court personnel in similar positions to those that will actually complete the instrument. BJS met with the panel in Rapid City, South Dakota in August 2012. The following tribal courts are formal partners and nine will be field testing the NSTCS-12 questionnaire:

- Organized Village of Kake, Alaska
- Central Council of Tlingit and Haida Tribes, Alaska
- Citizen Potawatomi Nation, Oklahoma
- Eastern Band of Cherokee Supreme Court, North Carolina
- Fort Peck, Montana
- Intertribal Court of Southern California, California
- Navajo Nation Supreme Court, Arizona
- Pokagon Band of Potawatomi, Michigan
- Pueblo of Tesuque, New Mexico
- Rosebud Sioux Tribal Court, South Dakota
- Sisseton-Wahpeton Oyate, Prairie Island Indian Community, Turtle Mountain, and Mille Lacs Band of Ojibwe, North Dakota
- Tulalip Tribes, Washington.

Following the Office of Management and Budget (OMB) approval for the NSTCS-12 form, BJS will submit the survey to approximately 300 federally recognized tribal justice systems in the

United States. The anticipated response period for the NSTCS-12 is from March 2013 through July 2013. BJS will prepare a report of the data collected in FY2014. BJS will also provide public access to the NSTCS-12 data file on the BJS website, along with topical pages containing text, tables and graphics on a wide range of tribal justice issues.

NSTCS-12 Methodology:

Tribal courts vary considerably across the U.S. and a single survey instrument would not suffice for this endeavor. Therefore, the proposed survey instrument will include a core survey and two modules or supplements.

- The core survey will be administered to all tribal courts in the lower 48 states;
- Alaska module: the 200 plus tribes in Alaska will receive an extract of the core survey with questions specifically targeting the courts operating in the natives villages; and
- Court of Federal Regulations (CFR): The 20 plus CFR courts operating on behalf of BIA will receive a simplified instrument that captures the critical items not collected in the administrative processes by the Department of Interior.

The NSTCS-12 will serve as an authoritative source for tribal court statistics, foster greater transparency in addressing the problems of crime and justice in Indian country, and enrich tribal eligibility for justice program funding resources, prevention programs, and justice services. The tribal justice professionals have identified substantial benefits, both empirical and practical, of the NSTCS-12 data collection and subsequent analyses for tribal nations, including:

- define the organizational structure of tribal courts.
- describe the magnitude of tribal court workload and the spectrum of work.
- identify and define the Alaska Native village courts system.

- demonstrate funding and service needs for tribal courts.
- demonstrate the integrity of the tribal judicial processes.
- provide a voice to educate the federal government and other agencies about the important work and effectiveness of tribal courts and justice systems.
- include tribes in the national dialogue on justice systems.
- help the federal government fulfill the trust responsibility to Indian nations through accurate and reliable information.

Tribal jails and detention centers in Indian country

BJS initiated the Survey of Jails in Indian Country (SJIC) in 1998 as a component of the Annual Survey of Jails (ASJ). The SJIC includes all known Indian country correctional facilities operated by tribal authorities or the Bureau of Indian Affairs (BIA), U.S. Department of the Interior.

The number jails or detention centers operating in Indian country rose 16% from 69 facilities in 1998 to 80 as of 2011. The recent survey collected data on the number of inmates and percent of capacity occupied based on the average daily population (ADP), midyear population, and peak population in facilities in June 2011. Also, the survey gathered information on staffing, offense types, and conviction status, as well as an addendum that collected in-depth data on inmates, health services and facility programs.

Based on the recent results from *Jails in Indian Country, 2011* (NCJ 238978, BJS website, September 2012) about 78,700 American Indian or Alaska Natives were under correctional supervision—either at federal, state, local, or tribal facilities—in the United States. About 3% (2,239) of all American Indians or Alaska Natives under correctional supervision were confined in 80 Indian country jails across the U.S. at midyear 2011. Additional and detailed results from the *Jails in Indian Country* reports are available on the BJS website.

AIAN in the federal justice system

United States attorneys prosecute violations of federal laws in Indian country. Section 1153 of U.S. Title 18 grants jurisdiction to federal courts over Indians who commit in Indian country any of the crimes listed under the Major Crimes Act of 1885, regardless of whether the victim was an Indian or non-Indian. At the federal level, Indian country means all land within the limits of any Indian reservation under the jurisdiction of the United States government, including all dependent communities and Indian allotments as described in 18 USC § 1151. Data on suspects investigated and charged in U.S. district court come from BJS's Federal Justice Statistics Program (FJSP). These data do not identify the race of suspects but do identify whether the offense occurred in Indian country.

Investigations

Criminal referrals, or matters, are submitted to the U.S. attorneys by federal investigative agencies—Drug Enforcement Agency, FBI, and Bureau of Indian Affairs—and state and local investigative agencies. The U.S. attorney decides the appropriateness of bringing criminal charges and may initiate prosecution.

In fiscal year 2010, U.S. attorneys investigated 195,260 suspects in matters from across the United States for violation of federal laws. Just over 1% (2,283) were for alleged offenses occurring in Indian country (table 9).

A total of 6,353 suspects in 2010 were investigated by federal prosecutors for a violent offense. The 1,479 suspects investigated for violent offenses in Indian country represented 23% of all federal investigations for violent offenses in fiscal year 2010. Violent crimes were the majority (67%) of offenses investigated by U.S. attorneys in Indian country in fiscal year 2010. The number of Indian country suspects investigated

by U.S. attorneys for violence declined 3%, from 1,525 in 2000 to 1,479 in 2010. The number of Indian country suspects investigated for property, drug, and other offenses increased 57%, from 475 in 2000 to 746 in 2010. Over half (55%) of the total 2,283 Indian country investigations in 2010 were in the judicial districts of Arizona, South Dakota and New Mexico (figure 5).

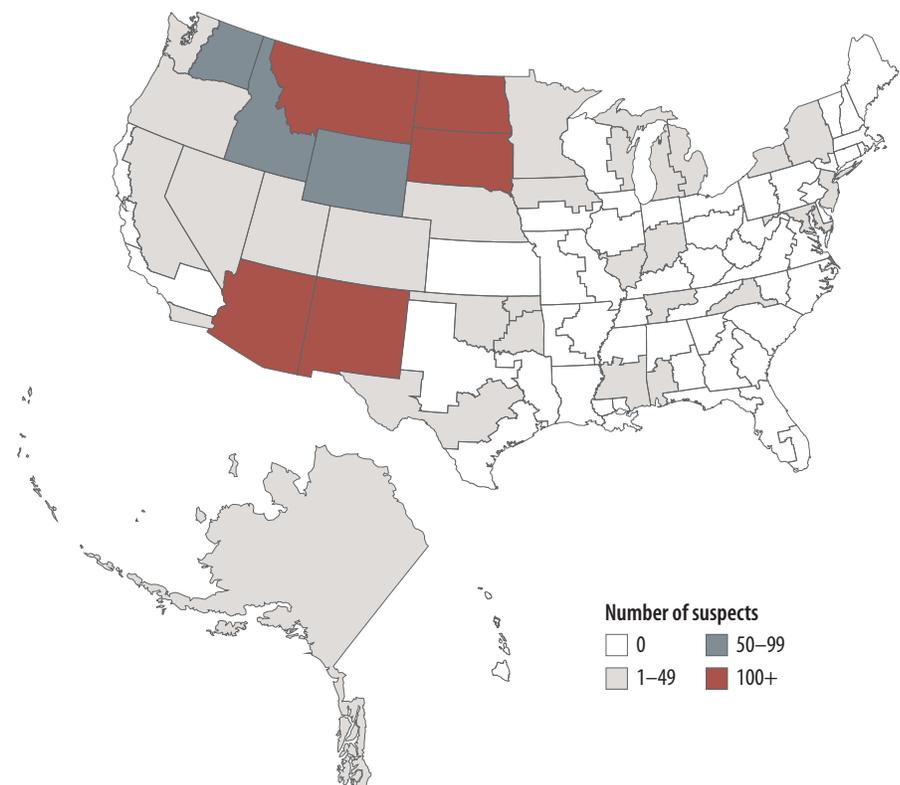
TABLE 9
Suspects in matters investigated by U.S. Attorneys, by offense, 2010

| Lead charge | Total | | Indian country | |
|--------------|---------|---------|----------------|---------|
| | Number | Percent | Number | Percent |
| All offenses | 195,260 | 100% | 2,283 | 100% |
| Violent | 6,353 | 3.3% | 1,479 | 66.5% |
| Property | 28,931 | 15.0 | 295 | 13.3 |
| Drugs | 37,359 | 19.3 | 201 | 9.0 |
| Public order | 24,632 | 12.7 | 192 | 8.6 |
| Weapons | 11,484 | 5.9 | 52 | 2.3 |
| Immigration | 84,606 | 43.8 | 6 | 0.3 |

Note: Percentages based on matters with non-missing offense type: 1,895 total matters missing information on lead charge; 58 Indian country matters missing information on lead charge.

Source: Bureau of Justice Statistics, Federal Justice Statistics Program (FJSP); and Executive Office for U.S. Attorneys, National LIONS data base, fiscal year 2010.

FIGURE 5
Number of Indian country suspects in matters referred to U.S. attorneys, FY2010



Source: Executive Office for U.S. Attorneys, National LIONS database, fiscal year 2010.

Charges filed

At the conclusion of the investigation of a criminal matter, U.S. attorneys may decline prosecution, file criminal charges in a U.S. district court, or refer the matter to a U.S. magistrate or a state jurisdiction. In fiscal year 2010, U.S. attorneys filed criminal cases against 100,253 defendants in all federal district courts. About 1% (1,192) of these involved cases in Indian country (table 10).

In fiscal year 2010, 3,493 defendants were charged with a violent offense in cases filed in U.S. district court during fiscal year 2010. The 727 Indian country defendant cases made up 21% of the total. Sixty-three percent of all defendants charged in U.S. district courts for crimes in Indian country were charged with violent crimes, compared to about 4% nationally. Indian country suspects were more likely to be charged in U.S. district court for violent crimes relative to other offenses because federal jurisdiction focuses on major crimes committed on tribal lands.

Overall, the number of federal district court filings for all violent crime increased by 29%, from 78,000 in 2000 to 100,300 in 2010. The number of all filing against Indian country defendants for violent crimes increased 7% from 677 in 2000 to 727 in 2010.

Improving federal justice statistics in Indian country

During FY 2013, BJS will coordinate with federal justice agencies that contribute data to the Federal Justice Statistics Program (FJSP) to determine the criteria they use to flag federal cases handled in Indian country. BJS will produce summary information about youth and adults processed by the federal justice system for crimes

occurring in Indian country using federal administrative data that spans from arrest to imprisonment for fiscal years 2009-2011. In the future, the Federal Criminal Case Processing query tool on the BJS website will allow data users to create customized tables on Indian country cases as a standard feature.

TABLE 10
Defendants in criminal cases filed in U.S. district courts, by type of offense, 2010

| Lead charge | Total | | Indian country | |
|--------------|---------|---------|----------------|---------|
| | Number | Percent | Number | Percent |
| All offenses | 100,253 | 100% | 1,192 | 100% |
| Violent | 3,493 | 3.5% | 727 | 63.1% |
| Property | 15,042 | 15.1 | 141 | 12.2 |
| Drugs | 31,194 | 31.3 | 151 | 13.1 |
| Public order | 10,129 | 10.2 | 101 | 8.8 |
| Weapons | 8,971 | 9.0 | 33 | 2.9 |
| Immigration | 30,724 | 30.9 | 0 | |

Note: Percentages based on cases with non-missing offense type: 700 total cases missing information on lead charge; 39 Indian country cases missing information on lead charge.

Source: Bureau of Justice Statistics, Federal Justice Statistics Program (FJSP); and Executive Office for U.S. Attorneys, National LIONS data base, fiscal year 2010.

Indian country justice statistics webpage

To ensure Indian country justice statistics are easily located and accessible from a central source, BJS is developing the Indian country justice statistics

webpage to serve as a repository link for crime and justice information and statistical data related to Indian country or tribal justice systems (figure 6).

This webpage will include links to American Indian or tribal-specific

1) publications and products,

2) statistical data collections, 3) funding sources; 4) other relevant non-DOJ statistical data, and 5) a questions and answers section. Currently available on the site are the 2008 through 2010 published violent and property crime data files disaggregated by tribe.

FIGURE 6
Indian country justice statistics webpage

The screenshot displays the BJS website interface. At the top, the header includes the Office of Justice Programs logo, the BJS Bureau of Justice Statistics logo, and the URL WWW.OJP.USDOJ.GOV. A search bar is located on the right side of the header. Below the header is a navigation menu with links for Home, Topics, Publications & Products, Data Collections, Funding, Data Analysis Tools, and About Us. The main content area is titled "Indian Country Justice Statistics" and features a "Home | Indian Country" breadcrumb. Underneath, there is a section titled "On This Page" with links to "About this Topic", "Data Collections & Surveys", "Publications & Products", "Terms & Definitions", "Related Links", and "Additional Info". A section titled "About this Topic" provides a paragraph about the Tribal Law and Order Act of 2010 (TLOA) and its requirements for the Bureau of Justice Statistics. Below this, a section titled "BJS Indian country statistics available by category:" lists categories such as Victimization, Law Enforcement, Courts, Corrections, Criminal Justice Data Improvement Program, and Related Links and Information. A "Funding" section follows, describing the National Criminal History Improvement Program (NCHIP). On the right side of the page, there are two sidebar sections: "Latest Releases" listing recent publications like "Jails in Indian Country, 2010" and "Compendium of Tribal Crime Data, 2011", and "FAQs" with questions about finding information on DOJ policies and population counts for American Indians and Alaska Natives.

Methodology

The Bureau of Justice Statistics (BJS) is the principal statistics agency in the Department of Justice. BJS collects, analyzes, publishes, and disseminates information on crime, criminal offenders, crime victims, and criminal justice operations. BJS also provides financial and technical support to state, local, and tribal governments to improve their statistical capabilities and the quality and the utility of their criminal history records. BJS provides statistical information to the President, Congress, other officials, and the public with accurate, timely, and objective data about crime and the management of criminal justice.

This report is comprised of a compilation of analyses from various data collected by federal statistical agencies and organizations.

2010 Census of Population and Housing

The U.S. Census counts every resident in the United States. It is mandated by Article I, Section 2 of the Constitution and takes place every 10 years. The data collected by the decennial census determine the number of seats each state has in the U.S. House of Representatives and are also used to distribute billions in federal funds to local communities. National and state population totals from the 2010 Census were released in December 2010 (see <http://2010.census.gov/2010census/about/>).

- **Race and ethnicity:** The Census Bureau collects information on race based on the U.S. Office of Management and Budget's (OMB) 1977 Revisions to the Standards for the Classification of Federal Data on Race and Ethnicity. Federal standards require that race and Hispanic or Latino origin (ethnicity) are asked as separate questions, as race and ethnicity represent distinct concepts.
- **Alternate population estimates:** The estimate of 5.2 million American Indian and Alaska Native (AIAN) people living in the United States in

2010 is based on self-reports of race. This and other estimates published throughout the report do not include any statistical imputation procedures to account for nonrespondents or for people who described themselves as some other race on the 2010 Census questionnaire. The Census Bureau reconciles the 2010 Census race categories with the race categories that appear in administrative data by recoding the some other race responses in the 2010 Census to one or more of the five 1997 Office of Management and Budget (OMB) race categories: White, Black or African American, AIAN, Asian, and Native Hawaiian and Other Pacific Islander. The first estimates for July 2011 indicated there are 6.5 million AIAN in the U.S., including the statistically imputed some other race responses (see <http://www.census.gov/popest/methodology/2011-stco-char-meth.pdf>).

- **Federally recognized tribes:** Information on federally recognized tribes can be found in the Federal Register, Vol. 75, No. 190, October 1, 2010, entitled *Indian Entities Recognized and Eligible to Receive Service from the United States Bureau of Indian Affairs, Department of the Interior, Bureau of Indian Affairs*, issued by the Office of Management and Budget (see <http://www.bia.gov/idc/groups/xofa/documents/document/idc012038.pdf> and <http://www.bia.gov/idc/groups/xofa/documents/document/idc012039.pdf>).
- **Designated reservations and Alaska Native village statistical areas:** Not every federally recognized tribe in the U.S. has designated tribal lands or reservations. American Indian reservation areas include federal reservations, off-reservation trust land, Oklahoma tribal statistical areas, state reservations, and federally or state-designated American Indian statistical areas. Alaska Native villages refer to tribal lands or areas located in the state of Alaska.

Census of State and Local Law Enforcement Agencies (CSLLEA) 2008

The Bureau of Justice Statistics' (BJS) Census of State and Local Law Enforcement Agencies (CSLLEA) is conducted every 4 years to provide a complete enumeration of agencies and their employees. Employment data are reported by agencies for sworn and non-sworn (civilian) personnel and, within these categories, by full-time or part-time status. The CSLLEA provides national data on the number of state and local law enforcement agencies and employees for local police departments, sheriffs' offices, state law enforcement agencies, and special jurisdiction agencies. It also serves as the sampling frame for BJS surveys of law enforcement agencies. The 2008 CSLLEA form was mailed to 20,110 agencies that were determined to be potentially operating on the reference date of September 30, 2008 (see <http://www.bjs.gov/content/pub/pdf/cslllea08.pdf>).

- **Public Law 280:** Public Law 280 (Pub.L. 83-280, August 15, 1953, codified as 18 U.S.C. § 1162, 28 U.S.C. § 1360, and 25 U.S.C. §§ 1321–1326) is a federal law establishing a method whereby states may assume jurisdiction over reservation Indians. Public Law 83-280 (commonly referred to as Public Law 280 or P.L. 280) conferred jurisdiction from the federal government to six mandatory state governments: California, Minnesota (except the Red Lake Reservation), Nebraska, Oregon (except the Warm Springs Reservation), Wisconsin, and Alaska. Public Law 280 also permitted other states to acquire jurisdiction at their option. The optional P.L. 280 states assumed jurisdiction either in whole or in part over Indian country within their boundaries: Nevada, Idaho, Iowa, Washington, South Dakota, Montana, North Dakota, Arizona, and Utah. Under the Act, states, local sheriffs and state law enforcement agencies take tribal members to state courts for prosecution in cases arising from criminal matters within reservation boundaries.

Offenses known to law enforcement, 2008-2010

The FBI's Uniform Crime Reporting (UCR) Program collects offenses that come to the attention of law enforcement for selected violent crimes and property crimes, as well as data regarding clearances of these offenses. Data are collected on four violent crimes: murder and non-negligent manslaughter, forcible rape, robbery, and aggravated assault. Data are collected on four property crimes: burglary, larceny-theft, motor vehicle theft, and arson (see <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2010/crime-in-the-u.s.-2010/tables/10tbl11.xls/view>).

Edward Byrne Memorial Justice Assistance Grant (JAG) Program

The JAG Program is administered by the Bureau of Justice Assistance (BJA) and authorized under Public Law 109-162. It is the leading source of federal justice funding to state and local jurisdictions. The JAG Program provides states, tribes, and local governments with critical funding necessary to support a range of program areas, including law enforcement; prosecution and courts; crime prevention and education; corrections and community corrections; drug treatment and enforcement; planning, evaluation, technology improvement; and crime victim and witness initiatives. All JAG allocations (eligibility information) are calculated by BJS based on the statutory JAG formula and published in an annual

technical report, Justice Assistance Grant (JAG) program (see https://www.bja.gov/ProgramDetails.aspx?Program_ID=59). The report includes a detailed step-by-step breakdown of the JAG award calculation process.

2012 National Survey of Tribal Court Systems

The National Survey of Tribal Court Systems (NSTCS-12) is part of a multifaceted effort by BJS to expand its statistical activities related to American Indian and Alaska Native crime and justice issues. The goal of the NSTCS-12 is to provide baseline information upon which to build a tribal court statistics infrastructure that will improve the nation's understanding of the organization and operational characteristics of courts in Indian country. Each federally recognized tribe in the U.S. will be contacted to verify and determine the operation of a recognized judicial system. Respondents will complete an automated or paper version of the NSTCS-12. Tribal courts should expect to receive the survey materials in early 2013.

As defined in the Indian Tribal Justice Technical and Legal Assistance Act of 2000 (PL 106-559), the term tribal court, tribal court system, or tribal justice system means the entire judicial branch, and employees thereof, of an Indian tribe. This includes, but is not limited to, traditional methods and forums for dispute resolution, trial courts, appellate courts, including inter-tribal appellate courts, alternative dispute

resolution systems, and circuit rider systems, established by inherent tribunal authority whether or not they constitute a court of record.

Federal Justice Statistics Program (FJSP)

The Federal Justice Statistics Program provides annual data on workload, activities, and outcomes associated with federal criminal cases. Information is acquired on all aspects of processing in the federal justice system, including arrests, initial prosecution decisions, referrals to courts or magistrates, court dispositions, sentencing outcomes, sentence length, and time served. The program collects data from the Executive Office for U.S. Attorneys (EOUSA), the Pretrial Services Agency (PSA), the Administrative Office of the U.S. Courts (AO), the U.S. Sentencing Commission (USSC), and the Federal Bureau of Prisons (BOP).



The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. James P. Lynch is the director.

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