



Tribal Crime Data Collection Activities, 2011

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The Bureau of Justice Statistics (BJS), in collaboration with other federal agencies and American Indian tribes, conducted several activities to develop the tribal data collection system as of June 2011. The data collection system establishes both new data collections and enhances current programs to carry out the requirements of the Tribal Law and Order Act (TLOA), 2010.

BJS focused on improving tribal law enforcement reporting to the FBI's Uniform Crime Reporting Program (UCR) and developed direct data collection from tribal criminal justice systems, such as collecting information about the nature and operation of tribal court systems. Efforts also include activities and funding opportunities to improve tribal crime data collection through programs such as the National Criminal History Improvement Program (NCHIP), the National Instant Criminal Background Check System (NICS), Byrne/JAG funding, and UCR training.

Activities to Support Tribal Crime Data Collection Systems, July 2010 through June 2011

Tribal consultations conducted in 2010

BJS consulted with tribal leaders through a variety of forums in 2010. BJS developed and distributed an initial plan that responded to the TLOA sections that directly referenced tribal crime data collection. This plan was presented to several stakeholder groups to invite feedback and input, including—

- Interdepartmental Tribal Justice Safety and Wellness Consultation, Session 12 (December 2010, Palm Springs, CA)
- Uniform Crime Reporting Program (UCR) trainings for tribal law enforcement (2010) agencies
- National Congress of American Indians, 2011 Executive Council Winter Meeting (March 2011, Washington, DC).

For the first time, the Bureau of Indian Affairs' (BIA) submissions to UCR were disaggregated by tribe and reported in the FBI's *Crime in the U.S., 2009*

Working with the Office of Justice Services in the BIA, and the Office of Tribal Justice and the FBI in the Department of Justice (DOJ), BJS developed a process to support tribal access to, and input in, regional and national criminal justice databases, including the National Crime Information Center (NCIC) and the Uniform Crime Reporting Program (UCR).

As a result of this process, data provided to the FBI from the BIA were able to be disaggregated by tribe. Offenses known to tribal law enforcement agencies were reported by tribal agencies in the FBI's *Crime in the United States, 2009*. Eighty-three tribal law enforcement agencies met FBI guidelines for data to be published in the report.

Highlights

- The Bureau of Justice Statistics (BJS) consulted with tribal leaders through a variety of forums in 2010.
- For the first time, the Bureau of Indian Affairs' (BIA) submissions to the Uniform Crime Reporting Program (UCR) were disaggregated by tribe and reported in *Crime in the U.S., 2009*.
- The number of tribes eligible for Byrne/JAG funding increased from 5 in 2008 to 22 in 2010.
- In 2010, 140 tribal law enforcement staff received UCR training.
- BJS provided competitive funding opportunities for jurisdictions to improve criminal records in fiscal year 2011.
- BJS developed a multifaceted data collection system that both established new collections and enhanced current programs.

BJS, acting jointly with the Office of Justice Services, BIA (DOI), and the FBI (DOJ), will work with tribes and tribal law enforcement to establish and implement tribal data collection systems (P.L. 111-211 § 251(b)).

The number of tribes eligible for Byrne/JAG funding increased from 5 in fiscal year 2008 to 22 in fiscal year 2010

Collaborative efforts between the departments of Justice and Interior have increased the number of tribes reporting monthly crime data to the UCR, thereby increasing the number of tribes eligible to receive Byrne/JAG awards.

Byrne/JAG funds can be used to support a range of activities in seven broad program areas, including law enforcement; prosecution and courts; crime prevention and education; corrections; drug treatment and enforcement; program planning, evaluation, and technology improvement; and crime victim and witness programs.

Most American Indian tribes had been ineligible to receive Byrne/JAG funds because of gaps in Indian country crime statistics and traditional methods for reporting data. Prior to 2009, BIA provided an aggregate number of crimes known to tribal law enforcement to the UCR. Since these data could not be disaggregated by tribe, tribal law enforcement agencies that did not submit information directly to the UCR were not eligible for Byrne/JAG awards. In FY 2008, 25 tribes submitted

crime data directly to the FBI, with 5 of the tribes eligible to receive Byrne/JAG awards totaling \$150,000. In FY 2010, the number of tribes that submitted crime data increased to 144 following collaborative efforts between agencies in the departments of Justice and Interior, with 22 tribes eligible for Byrne/JAG awards totaling \$709,000 (table 1.1).

More than 140 tribal law enforcement staff received UCR training

Through Recovery Act funds, BJS developed and implemented the Tribal Crime Data project to further support the reporting of tribal crime to the UCR, and thereby establish eligibility for Byrne/JAG funds. The project is also part of BJS's larger effort to collect more reliable information on American Indians in the criminal justice system and crimes committed in Indian country.

Through the Tribal Crime Data project, BJS conducted three training sessions in 2010, with more than 140 tribal members, on the use of the UCR systems. In 2011 the project provided training and technical assistance to tribes that did not meet FBI data quality guidelines or had not previously submitted complete crime data to BIA.

TABLE 1.1
Tribes submitting crime data to the Uniform Crime Reporting Program (UCR) and receiving Justice Assistance Grant (JAG) awards, FY 2008–2010

Fiscal Year	Number of tribes—		Eligible award amount
	Reporting to UCR	Eligible for JAG award	
2008	25	5	\$150,000
2009	106	20	559,000
2010	144	22	709,000

Funding for improving criminal records

To improve criminal records, BJS provided outreach to agencies in tribal jurisdictions through two competitive funding opportunities:

- National Criminal History Improvement Program (NCHIP) solicitation, 2011
- National Instant Criminal Background Check System (NICS) Act Record Improvement Program (NARIP) solicitation, 2011.

The TLOA made federally recognized tribes eligible for awards under BJS's NCHIP. State and tribal entities apply for NCHIP funds to enhance the crime fighting and criminal justice capabilities of governments by improving the accuracy, utility, and interstate accessibility of criminal history records. Jurisdictions also apply for NCHIP funds to enhance records of protective orders that involve domestic violence and stalking, sex offender records, automated identification systems, and other state systems that support national records systems and their use for criminal history background checks.

BJS released the FY 2011 NCHIP solicitation on January 13, 2011, and collaborated with other OJP components to disseminate information about the NCHIP funding announcement as broadly as possible. Tribal contacts were alerted via email to the funding opportunity, and the solicitation was posted to the BJS and DOJ Tribal Safety and Justice websites. Information about the NCHIP funding opportunity was also presented during several meetings and a consultation in the fall and winter of 2010.

Additionally, BJS developed an addendum to the solicitation that identified priority funding areas and eligibility requirements for tribal applicants. The addendum outlined key tribal priority areas activities related to—

- information technology systems to capture and transmit tribal issued domestic violence and stalking records to the FBI NCIC Protection Order File
- automation and transmission of existing qualifying domestic violence and stalking records to the FBI NCIC Protection Order File.

The NARIP implements the provisions of the NICS Improvement Amendments Act of 2007, enacted in the wake of the shooting tragedy at Virginia Tech and includes tribes as eligible entities.

The NARIP funds provide assistance to eligible states and tribes to improve the completeness, automation, and transmittal of records needed by the NICS to identify persons prohibited from receiving or possessing a firearm. These records include prohibited mental health adjudications and commitments, felony convictions, felony indictments, fugitives from justice, drug arrests and convictions, domestic violence protection orders, and misdemeanor crimes of domestic violence.

BJS will award FY 2011 NARIP funds to support efforts to improve the records used by NICS, by providing assistance to states and tribes to improve the completeness, automation, and transmittal of records to state and federal systems. BJS released the FY 2011 NARIP solicitation on March 15, 2011. The same process used to disseminate information about the NCHIP funding opportunity was followed to alert tribes to the NARIP solicitation.

Subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law, BJS plans to competitively award NCHIP and NARIP funds in FY 2011. Eligible applications will be evaluated and scored by peer reviewers, and funding will be made based on the selection criteria outlined in the solicitations.

BJS is authorized to provide for improvements in the accuracy, quality, timeliness, immediate accessibility, and integration of state and tribal criminal history and related records (P.L. 111-211 § 251(b)(1)(H)).

The director of BJS will establish and implement a tribal data collection system (P.L. 111-211 § 251(b)).

BJS established new collections and enhanced current programs

In addition to collaborating with other federal agencies to improve tribal law enforcement reporting to the UCR, BJS developed a plan to collect information about tribal criminal justice systems. This multipronged approach both established new collections and enhanced current programs that serve the purposes of the TLOA.

Through its ongoing statistical projects, BJS provided information on (1) suspects and defendants processed in the federal criminal justice system, including federal prosecutions of crimes committed in Indian country, (2) the incidence of crimes known to law enforcement that occur on tribal reservations or were reported by Indian country law enforcement authorities, (3) the characteristics of tribal law enforcement agencies, and (4) the characteristics of jails in Indian country. BJS plans to begin collecting information about the nature and operation of tribal court systems in 2012 (table 1.2).

Survey of Tribal Court Systems

BJS developed the Survey of Tribal Court Systems to build on BJS's previous Census of Tribal Justice Agencies (See *Census of Tribal Justice Agencies in Indian Country, 2002*, BJS Web, December 2005). The survey will gather administrative and operational information from tribal courts, prosecutors' offices, and indigent defense providers operating in the estimated 190 federally recognized tribal justice systems in the U.S.

Subject to the availability of appropriated funds and any modifications or additional requirements that may be imposed by law, BJS plans to award the Survey of Tribal Court Systems in FY 2011. BJS will work with the awardee and collaborating organizations to develop the data collection instrument and methodology. The instrument will include, at a minimum, measures of

tribal court organization, court caseload, characteristics of prosecutors in tribal courts, and systems to provide indigent defense in tribal courts.

Based on the results of the initial data collection, BJS will devise a strategy for conducting a regular data collection program among Indian country court systems.

Census of State and Local Law Enforcement Agencies

The Census of State and Local Law Enforcement Agencies provides data on staffing, functions, and expenditures. Data collected include the number of sworn and civilian personnel by state and type of agency, and functions performed by each agency. BJS analyzed and published findings from data collected in 2008, from the Census of State and Local Law Enforcement Agencies program, including 178 tribal law enforcement agencies.

Survey of Jails in Indian Country

The Survey of Jails in Indian Country data describe jails, confinement facilities, detention centers, and other facilities operated by tribal authorities or BIA. The annual report from the Survey of Jails in Indian Country includes data on the number of adults and juveniles held, type of offense, number of persons confined on the last weekday of each month, average daily population, peak population, and admissions at midyear. It also summarizes rated capacity, facility crowding, and jail staffing. The most recent report that describes findings from the 2009 survey was released in February 2011.

National Census of State Court Prosecutors

In 2007 BJS conducted the National Census of State Prosecutors, which was the second complete enumeration of all chief prosecutors who tried felony cases in state courts of general jurisdiction. The census collected information about whether district

TABLE 1.2**Bureau of Justice Statistics Planned Program Activities in Response to the Tribal Law and Order Act**

Program	Objective	Timeline
Collaboration with DOJ Components and BIA	To increase the number of tribes eligible to receive Edward Byrne Memorial Justice Assistance Grant (JAG) Program funds, ensure tribal access to regional and national databases, and develop comprehensive tribal crime data systems.	Ongoing.
BJS Recovery Act Program	To support tribes to more accurately and consistently report tribal crime data to the BIA and/or the FBI through technical assistance, training, and information sharing.	Crimes known to some tribal law enforcement agencies published in <i>Crime in the United States, 2009</i> and annually thereafter.
Grants to Support Tribal Participation in Regional and National Databases	To continue to include federally-recognized tribes as eligible entities for the National Instant Criminal Background Check System (NICS) Act Record Improvement Program and add federally-recognized tribes as eligible entities to the National Criminal History Improvement Program (NCHIP) grant awards.	Tribes are eligible for awards as of FY 2009 (NICS) and FY 2011 (NCHIP).
Census of State and Local Law Enforcement Agencies	To collect data from all state, local, and tribal law enforcement agencies on staffing, expenditures and functions. BJS will continue to implement strategies designed to accurately represent the work of tribal law enforcement agencies.	Periodically since 1992. Latest report: 2004 census 2008 census report in 2011.
Survey of Tribal Court Systems	To gather administrative and operational information from tribal courts, prosecutors' offices, and indigent defense providers.	Award: August 2011. Design and Data Collection: 2011-2012. Analysis and Reporting: Early 2013.
Survey of Jails in Indian Country	The survey is an annual enumeration of jails, confinement facilities, detention centers, and other facilities operated by tribal authorities or the BIA. Data are collected intermittently via an addendum to the core survey on the physical conditions and operations of Indian country facilities. The addendum requests information on inmate medical services, mental health services, suicide prevention procedures, substance dependency programs, domestic violence counseling, sex offender treatment, education programs, and inmate work assignments.	Annually since 1998. Latest report: 2009 survey 2010 survey report expected in 2011.
Federal Justice Statistics Program	To compile comprehensive information describing suspects and defendants processed in the federal criminal justice system.	Ongoing since 1998. Annual data through 2009 available on the BJS website.
BJS Native American Crime Information Website	To provide users with easy-to-access and current information from existing and new data collection programs	Design and populate website: 2010-2011. Public release: Late 2011.

attorney offices have jurisdiction for prosecuting felony cases occurring in Indian country under P.L. 280, and what types of crimes the office prosecuted. The findings from this data collection are in *State Prosecutors' Offices with Jurisdiction in Indian Country* on page 21.

Federal Justice Statistics Program

The Federal Justice Statistics Program (FJSP) provides comprehensive and detailed information about the federal justice system's processing of criminal cases. The FJSP 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, prosecution decisions, referrals to magistrates,

court dispositions, sentencing outcomes, sentence length, and time served. The FJSP receives the source data from the U.S. Marshals Service, Drug Enforcement Administration, Executive Office of U.S. Attorneys, Administrative Office of the U.S. Courts, U.S. Sentencing Commission, and the Federal Bureau of Prisons.

BJS is currently developing research projects that will examine American Indian defendants who are processed in the federal justice system. Findings from the first of these projects, describing characteristics of American Indian youth who are processed in the federal criminal justice system, are in the *Summary: Tribal Youth in the Federal Justice System* on page 35.

References

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Tribal Law Enforcement, 2008. NCJ 234217, BJS Web, June 2011.

Summary: Tribal Youth in the Federal Justice System, NCJ 234218, BJS Web, June 2011.

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

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This report in PDF and in ASCII and its related statistical data and tables are available at the website: <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=1599>.