



**U.S. Department of Justice**

Office of the Chief Information Officer

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*Washington, D.C. 20530*

[REDACTED]

[REDACTED]

Dear [REDACTED]

The Department of Justice (DOJ), CJIS Systems Officer (CSO) is submitting a request on behalf of the [REDACTED] Tribal Court (Criminal) to be granted Originating Agency Identifier(s) (ORIs) by FBI CJIS. I have reviewed the below documentation and believe it is sufficient to grant the issuance of a full access ORI.

To support this request, please find the attached documentation as submitted by [REDACTED] Tribal Court (Criminal)

Attachment 1 – Legal Authority

Attachment 2 – Agency Budget

[REDACTED] Tribal Court (Criminal) contact information:

[REDACTED]

Upon issuance of the ORI(s), please provide the ORI number(s) to me in an official communication. Should you have any additional questions, please contact [REDACTED] at [tribalaccess@usdoj.gov](mailto:tribalaccess@usdoj.gov).

Respectfully,

Michael Roosa  
CJIS Systems Officer  
U.S. Department of Justice  
Office of the Chief Information Officer

# **██████ Tribal Court**

Information / Documentation required for application for Non-Law Enforcement Criminal Justice Agency

ORI

**(NLE-CJA)**

1. Proof that the primary function of the agency is the administration of criminal justice.

The ██████ Tribal Court was established via the ██████ Nation Code of Laws Title 1. In this title, the code establishes the Court in section 1.01.010. Jurisdiction of the ██████ Tribal Court is established in section 1.02.010. In ██████ Code of Laws Title 2, section 2.01.010 documents that the ██████ Tribal Court shall have criminal jurisdiction over all criminal offenses enumerated in the code. Copies of these two titles and sections are included for reference. (Appendix A)

2. Proof that the primary budget allocation of the agency is for the administration of criminal justice.

The ██████ Tribal Court is a full service Court. Our duties and responsibilities include the administration of Criminal Justice for both adult and juvenile offenders. The Court also oversees the budget management for incarcerated or convicted offenders within the ██████ Nation's jurisdiction including those persons serving their respective commitments on Electronic Home Monitoring (EHM) of Global Position Satellite (GPS). In addition, to the providing a natural forum to resolve disputes, the ██████ Tribal Court also provides for the administration of the Healing to Wellness Drug Court and Family Wellness Drug Court. See attached 2017 Bi-Annual Report, 2017 Budget are included for reference. (Appendix B)

Year to date, 2017, the ██████ Tribal Court has opened 317 new criminal cases. And as of July 1, 2017 the ██████ Tribal Court is monitoring 3400 open cases for various reasons.

**██████ Tribal Court**

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## **Appendix A**

**Proof that the primary function of the agency is the administration of criminal justice.**

**TITLE 1**  
**██████ NATION CODE OF LAWS**  
**TRIBAL COURT ESTABLISHMENT AND ADMINISTRATION**

**Chapter 1.01 Establishment of Courts**

**1.01.010 Establishment of Courts**

There is hereby established for the ██████ Nation on the ██████ Reservation in the ██████ a court to be known as the ██████ Tribal Court, hereafter referred to as the Tribal Court, and ██████ Tribal Court of Appeals, hereafter referred to as the Tribal Court of Appeals. It is the duty of all courts established under this Code to review, interpret, and enforce the laws of the ██████ Nation.

**Chapter 1.02 Jurisdiction and Sovereign Immunity**

**1.02.010 ██████ Tribal Court Jurisdiction Defined**

The jurisdiction of the Tribal Court and the effective area of this Code shall include all territory within the ██████ Reservation boundaries, including fee patented lands, allotments, assignments, roads, waters, bridges, and lands used for agency purposes, and lands outside the boundaries of the Reservation held in trust by the United States for individual ██████ Indians or for the ██████ Tribe of the ██████ Reservation, and it shall be over all persons found therein. It shall include jurisdiction over members of the tribe when fishing at usual and accustomed grounds and stations recognized by the ██████, and when hunting or gathering roots and berries on open and unclaimed lands as guaranteed by the Treaty.

**1.02.020 Sovereign Immunity**

Nothing in this code shall be construed as a waiver of the sovereign immunity of the ██████ Nation or any of its subordinate entities, organizations, agencies, or instrumentalities, unless such waiver is explicitly stated.

**1.02.030 Implied Consent**

Entrance, actions, or activities by any person on the ██████ Reservation or lands within Tribal Court jurisdiction as defined in Section

1.02.010 of this Code shall be deemed equivalent to and construed to be an acceptance of the jurisdiction of the Tribal Court and a consent to such jurisdiction over his person concerning any legal action pursuant to this Code and shall further be deemed a consent to a service of summons or process by registered mail with return receipt requested at his last known address.

**1.02.040 Means to Carry Jurisdiction Into Effect**

When jurisdiction is vested in the Court, all the means necessary to carry it into effect are also given, and in the exercise of this jurisdiction, if the course of proceeding be not specifically pointed out by this code, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of Tribal Law.

**1.02.050 Limited Waiver of Sovereign Immunity**

The ██████ Nation, ██████ Indian Business Council, any subdivision, instrumentality, wholly owned entity, or affiliate of the Tribe or any of their respective officers, employees, or agents acting within the scope of their authority, shall be immune from suit in any civil action except as specifically waived by a ██████ Indian Business Council resolution or ordinance referring to the sovereign immunity of the Nation. This immunity from suit is waived for the limited purpose of providing declaratory and prospective injunctive relief for actions brought in the ██████ Tribal Court or Court of Appeals to protect rights guaranteed under Article VIII of the Constitution of the ██████ Nation; provided, however, that the immunity of the ██████ Nation is not waived with respect to damages, costs, or attorneys fees, except with respect to any claim for which the ██████ Nation carries an active and enforceable insurance policy up to the amount of coverage provided in the policy; provided further, that no judgment on any claim may be for more than the amount of the insurance policy; and, provided further, that any judgment against the

**TITLE 2**  
**██████ NATION CODE OF LAWS**  
**TRIBAL COURT CRIMINAL ACTIONS**

**Chapter 2.01 General Provisions**

**2.01.001 Civil Rights**

All accused persons shall be guaranteed all civil rights secured under the Constitution of the ██████ Nation.

**2.01.003 Court Rules for Criminal Proceedings**

The Chief Judge of the Tribal Court may establish Rules of Court consistent with this Code and the Constitution of the ██████ Nation to regulate court decorum, court procedures, court records, court security, and other court matters so as to ensure simplicity in procedure, fairness in administration, and the elimination of unjustifiable expenses and delay. Prior to adopting new or changed rules, the Chief Judge will offer the proposed rules for comment to the ██████ Nation Bar Association and the Law and Justice Commission.

**2.01.004 Other Procedures Applicable**

All additional procedures as set out in this Code will be followed in any criminal action to the extent they are applicable.

**2.01.005 Procedure in the Absence of Rule or Code**

(a) In interpreting this title, and other rules adopted by the Court pursuant to this title, the Court shall be guided by the common law of this jurisdiction. In the absence of a procedure established in this title, or a rule adopted under LCL 2.01.003, the Court may be guided by rules of procedure and common law of other jurisdictions in the order of priority set in LCL 4.07.010.

(b) The Court shall advise the parties of any procedure that it will apply when the rule is not otherwise stated in this title or its Rules adopted under LCL 2.01.003.

**2.01.010 Jurisdiction - Generally**

The ██████ Tribal Court shall have jurisdiction over all criminal offenses enumerated in this Code and all other ordinances and resolutions that may be passed by the Business Council

when committed by any person while

(1) on the lands and waters within the boundaries of the ██████ jurisdiction, as defined in Chapter 1.02 of this Code;

(2) on the lands outside the boundaries of the Reservation held in trust by the United States for individual ██████ Indians or for the ██████ Tribe;

(3) exercising treaty reserved rights, including but not limited to, fishing, hunting, and gathering pursuant to Article 1 of the ██████ Constitution; or

(4) in the lawful custody of the ██████ Nation.

**2.01.020 Concurrent Jurisdiction**

With respect to any of the offenses enumerated in this Code over which federal, state, tribal, or municipal courts may have lawful jurisdiction, the jurisdiction of the ██████ Tribal Court shall be concurrent and not exclusive. It shall be the duty of the ██████ Tribal Court to order delivery to the proper authorities of the other jurisdiction where such authorities consent to exercise jurisdiction lawfully vested in them over the offender.

**2.01.030 Extradition**

(a) If a person is charged with a criminal violation of the laws of another jurisdiction, a ██████ law enforcement officer may arrest and detain the person under the following conditions:

(1) the other jurisdiction has issued an arrest warrant on a felony charge;

(2) the federal government has issued an arrest warrant;

(3) the other jurisdiction has issued an arrest warrant on a gross misdemeanor charge, and the bail is over one thousand dollars (\$1,000), or the warrant is a "no bail" warrant;

(4) the other jurisdiction has issued one or more arrest warrants on misdemeanor charges involving crimes against persons or

██████ Tribal Court

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## **Appendix B**

Proof that the primary budget allocation of the agency is for the administration of criminal  
justice.

[illegible]

[illegible]



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**Mission Statement:**

**Number of Employees:**

2015	Budget:	Approved	Expended	Remaining	Percent
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Per [REDACTED] Report: July 10, 2017

## 1. Case load:

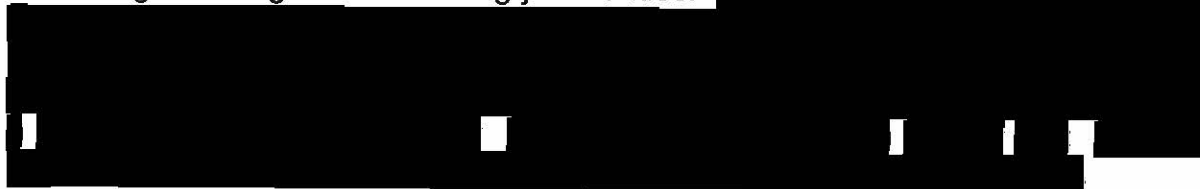
These numbers represent new cases filed from January 1, 2017 to July 1, 2017. Total New Cases filed from January 1, 2017 to July 1, 2017 compared to the same time period for 2016. The numbers highlighted in red show an increase in caseload.

<b>2016 Criminal – 153</b>	<b>2017 Criminal - 87</b>
<b>2016 Drug Offense – 54</b>	<b>2017 Drug Offense - 46</b>
<b>2016 Domestic Violence – 33</b>	<b>2017 Domestic Violence – 43</b>
<b>2016 Sex Offense – 6</b>	<b>2017 Sex Offense - 4</b>
<b>2016 Citations – 85</b>	<b>2017 Citations - 147</b>
<b>2016 Civil - 198</b>	<b>2017 Civil - 159</b>
<b>2016 Dependency - 3</b>	<b>2017 Dependency - 12</b>
<b>2016 Juvenile – 9</b>	<b>2017 Juvenile - 4</b>

<b>Cases Closed – 2017</b>	<b>Total Number Of All Cases Open for 2017: 3401</b>
<b>Criminal – 38</b>	
<b>Drug Offense – 30</b>	
<b>Domestic Violence – 34</b>	
<b>Sex Offense - 0</b>	
<b>Citations - 46</b>	
<b>Civil – 110</b>	
<b>Dependency – 20</b>	
<b>Juvenile - 18</b>	

## 2. Jail Budget management.

This budget manages the following jail facilities:



3. **Grants:** [REDACTED]

4. **Healing to Wellness Drug Court Team and the Family Wellness Court Team** is currently attending [REDACTED]

5. **Warrant Roundup and Amnest Days:**

[REDACTED]

6. **Jail Statistics: Currently**

[REDACTED]

**Court Cases By Date**  
From 01/02/2017 to 11/06/2017  
All Sub-Types for Criminal Case Type  
All Clerks  
All Judges  
Totals Only

Judge: [REDACTED]	
Judge Case Total:	1
Judge: [REDACTED]	
Judge Case Total:	313
Judge: [REDACTED]	
Judge Case Total:	1
Judge: [REDACTED]	
Judge Case Total:	2
Total Cases:	317

Court Cases By Date  
From 01/02/2017 to 11/06/2017  
All Sub-Types for Civil Case Type  
All Clerks  
All Judges  
Totals Only

Judge: [REDACTED]	
Judge Case Total:	185
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Judge: [REDACTED]	
Judge Case Total:	48
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Total Cases:	233