

Global Improving Tribal Justice Information Sharing Task Team Report

One of the purposes of the Tribal Law and Order Act (TLOA) is to resolve tribal justice information sharing (JIS) impediments. However, inconsistent access to important justice data systems and other complex JIS-associated issues continue to pose critical challenges to tribal justice organizations and, indeed, the larger justice enterprise. To explore issues associated with these long-standing impediments and at the request of representatives from the U.S. Department of Justice's (DOJ) Office of the Chief Information Officer and Office of Tribal Justice (OTJ), Global Executive Steering Committee (GESC) leaders approved the formation of the "Improving Tribal JIS Task Team" (Tribal JIS TT; see *Appendix A* for the membership roster). While efforts such as these are often viewed as "asks" of the tribal justice community, it is important to emphasize that the appropriate sharing of JIS is of tremendous mutual benefit to the entire justice community: The types of information to be exchanged—criminal histories, orders of protection, missing persons or wanted people, BOLOs, fingerprints, bookings, mug shots, border security information, and Sex Offender Registration and Notification Act data—are critical to the safety of our justice colleagues, our neighbors and neighborhoods, and our nation.

What follows is a capture of the Tribal JIS TT effort, which focused on administering a questionnaire to Global Justice Information Sharing Initiative (Global, Initiative) Advisory Committee (GAC, Committee) member-agency representatives. This report covers, at a high level, the analysis and implications of the aggregated submissions by task team members, including possible next steps for leaders of GESC, DOJ, and/or partnering agencies.

Readers are encouraged to visit <https://www.surveymonkey.com/results/> to explore the questionnaire submissions in individual or aggregate form. (A caveat: Four of the responses included in the findings were submitted on behalf of organizations that are *not* Global-member agencies. While the GAC is composed of organizations and departments at all levels of government, the Committee is particularly recognized as the premier JIS-related voice on state, local, and tribal JIS efforts, practices, and priorities. As such, these responses are retained as relevant and representative of the Global community. Additionally, associated Global-member agency responses were obtained for three of the four of extracurricular submissions. See *Appendix B* for a listing of all responding agencies.)

Problem Statement

One of the purposes of the Tribal Law and Order Act (TLOA) is to advance resolution of JIS impediments. However, inconsistent access remains a priority challenge, impacting appropriate sharing of important information such as criminal histories, orders of protection, missing persons or wanted people, BOLOs, fingerprints, bookings, mug shots, and Sex Offender Registration and Notification Act data. While DOJ can impact the ability of

tribes to access national crime information databases, access to state and local justice systems and data remains a stubborn challenge.

Task Team Process

At the request of DOJ representatives, GESC members approved formation of the Tribal JIS TT to support the overarching goal of advancing the tribal justice community's full participation as JIS partner by determining how Global-member organizations view, facilitate, support, and can better advance associated activities.

The goals of the task team efforts included the following:

- Articulating the unique value add that Global-member organizations can bring to this by leveraging their collective voice.
- Understanding how Global-member organizations view tribal JIS.
- Identifying impediments to tribal JIS and access to state and local criminal justice systems.
- Identifying best practices for improving tribal access to state and local criminal justice systems and data to facilitate the two-way exchange of information.
- Ensuring that tribes are included in the entire range of information sharing processes so that all justice and public safety agencies have access to the information they need to keep their communities safe.

Leveraging the Global Initiative's hallmark of operating in the most efficient, resource-effective manner, the Tribal JIS TT operated virtually: leaders and staff held several planning calls, and the full task team membership convened three times via conference calls to develop, refine, and approve both the questionnaire (please see *Appendix C* for the questionnaire instrument) and summary report. The remaining discussion in this report documents task team members' agreed-upon analysis of the GAC member-agency submissions and recommended next steps to address this justice community priority.

Questionnaire Findings: Further Defining the Problem

In analyzing the submissions, impediments to tribal access, JIS, and full participation as information sharing partners can be grouped into the following categories:

- **Legal challenges**—Associated feedback and impediments include the following:
 - The primary obstacles for tribal access are between the tribe and the state.
 - State law, legislation, legal authorities, and agreement terms are the primary roadblocks for tribal access to the FBI/CJIS system.
 - Interpretation of state and local laws.
 - Statutory restrictions that limit or prohibit direct tribal access to databases, especially those which contradict the TLOA.
- **Financial/technology-related challenges and priorities** include:
 - Funding for JIS projects.

- The importance of developing workable solutions that are not cost-prohibitive. As a task team member commented, “It can't look like what big offices do. It needs to be the right solution for tribal jurisdictions and in many ways those solutions could be a good fit for all rural jurisdictions.”
- Significant technological barriers: Many tribal nations do not have the infrastructure in place to support JIS technological requirements, data sharing, and technical implementations.
- High turnover among tribal justice personnel.
- Challenges related to **education and training** include:
 - Lack of knowledge, awareness, and/or training by/for tribal justice agencies on the requirements needed for valid submissions to criminal information sharing databases.
 - Insufficient human capital among many tribal nations to support implementation and data sharing.
 - Lack of awareness by state and local JIS agencies regarding their roles and responsibilities in this area, and a lack of empowerment for them to act proactively instead of reactively.
- Issues associated with **trust/sovereignty/history** include:
 - Tribes’ trust concerns regarding providing full access to tribal information/data (especially without reciprocal access by tribes).
 - Concerns by some tribal nations related to jeopardizing/maintaining tribal sovereignty by providing tribal community information/data.
 - Lack of willingness by some tribal criminal justice agencies to participate in and share criminal justice data with federal, state, and other local agencies.
 - Lack of trust between some tribes and the state or federal government.
 - Significant lack of trust by tribes regarding how their information is going to be used: Many tribes are hesitant to offer their justice information to other jurisdictions because it has not been used in their best interests in the past.
 - Lack of coordination of tribes under one "banner."
 - Lack of trust and confidence by state and local governments in tribal government.
 - Lack of dialog and transparency regarding trust in tribal government, recognition and comprehension of the meaning of tribal sovereignty (for example, not being covered by references and provisions in statutes to “local government entities”), and state procedures including JIS protections.
- **Improvements to a problem-solving approach** will require:
 - Positive collaboration to support development of effective collaboration processes among local, state, and tribal law enforcement partners.
 - Enhancements to intertribal connectivity to support tribe-to-tribe information sharing.

Questionnaire Findings: Recommended Actions and Next Steps

- Regarding **improving the overall approach to advancing this priority**, necessary actions and next steps include:
 - Engagement at the state level to identify opportunities for improved access.
 - Fostering and encouragement of regional cooperation and solutions.
 - Inclusion of decision makers capable of advancing recommendations and resolutions at all points of solution development. This guards against stalling of momentum, delays, and ultimately loss of interest because the “right level” of people are not involved.
 - Bringing state, local, and federal representatives together with tribes to develop formal and informal information sharing memoranda of understanding (MOUs) and memoranda of agreement (MOAs).
 - Empowering state organization leaders who manage information systems to “roll up their sleeves” and develop solutions, including state legislative changes. They should be leaders.

- **Recommendations for tribes:**
 - Tribal law enforcement leaders should articulate their needs and capabilities, including the value they bring to the JIS enterprise.
 - Tribal council members should be educated on the critical importance and benefits of JIS. Before any decisions can be made at the agency level (e.g., law enforcement, courts, probation), tribal councils have to agree. If money is required to enhance technology, tribal councils also have to make those decisions (i.e., to allocate funds into existing tribal budgets or agree to seek grant funds to enhance systems).
 - Because courts have a primary role in providing initial data (for example, around protection orders), broadening collaboration with tribal court leadership as well as tribal law enforcement on identifying challenges and facilitating mechanisms to strengthen tribal participation and access is important.
 - Consider creating a forum for tribal collaboration to most effectively leverage resources—best practices, lessons learned, and transportable solutions—and provide a strong, collective voice and community to address the complex challenges in this area.

- **Recommendations for state and local agencies:**
 - State and local justice organizations need to be made aware of their role in tribal JIS issues—regarding both the challenges that existing processes, practices, and cultures pose to solving these complex issues as well as the necessity of their engagement and expertise as part of the solution. Improving tribal JIS is not solely a problem or responsibility of tribal nations, and they will not solve it without support from the larger justice community.
 - State and local agencies have a duty to educate tribes on what information can be shared (and with whom), protection of privacy procedures, access rights under TLOA, and the general enhancement of the capacity of tribal professionals

- in the field of JIS. Tribal leaders do not know what they do not know. State and local JIS professionals must be transparent and informative.
- States must conduct statutory reviews and take steps to change state laws to comply with TLOA.
 - State and local JIS agencies must review regulations, rules, and procedures to ensure compliance with TLOA.
 - There needs to be a recognition by state and local justice agencies that this is not solely a “tribal responsibility” or a “tribal issue:” TLOA is federal law that also applies to state and local government.
 - Leveraging current and new technologies, state and local agencies should look for regional solutions that can benefit both rural jurisdictions and tribal nations, meeting JIS needs in these geographic areas and communities.

Questionnaire Findings and Task Team Analysis:

Recommendations, Actions Items, and Next Steps for Global Leadership and Membership Consideration

- Each GAC-member organization should engage its respective tribal law enforcement partners.
- The Criminal Intelligence Coordinating Council (CICC) needs an active member to represent tribal law enforcement issues.
- There is a lack of recognition regarding the power that Global-member organizations can play in addressing this issue: The frequent questionnaire response that “we do not play a role in tribal JIS” is indicative of a gap that needs to be addressed as well as a reflection of the lack of tribal engagement with these GAC-member organizations. While some Global-member organizations indicated strong engagement in the tribal JIS space, the questionnaire results indicate a large opportunity for greater involvement in leading or championing efforts to improve the two-way sharing of information with tribes.
- Members of the task team recommend that Global representatives advance and improve tribal JIS by championing the following efforts and activities in their respective Global-member communities and organizations as well as in the broader justice enterprise:
 - Global representatives will energize efforts to improve tribal access to state and local criminal justice systems and databases.
 - Global-member organizations will pass motions/resolutions within their organizations to improve information sharing with tribes, leveraging those organizations’ influence to improve information sharing. (For example, ensure that the word “tribal” is always included when discussing JIS.)

- Global-member organizations will invite tribal JIS subject-matter experts to their executive councils and national conferences to continue the conversation about tribal participation in JIS.
- Tribal representatives will have an opportunity to provide outreach to Global members regarding the value of adding tribal data/mutual benefits and “value adds” of information sharing among state, local, and tribal justice agencies.
- Global-member organizations with tribal contacts and relationships will facilitate GAC and partners’ connection to and collaboration with tribes in appropriate and effective ways.
- The GAC will seek ways to review state statutes or provide examples of existing state laws that comply successfully with TLOA for consideration by other states.
- Global-member organizations will provide leadership to state and local law enforcement agencies with JIS responsibilities for their states’ FBI CJIS activities, encouraging empowerment of those organizations to update rules and procedures. This must include states without federally recognized tribes: “Outside” tribal nations may query their JIS systems just as other states currently do.
- The GAC will showcase states that “do tribal JIS well” (such as Oklahoma) by highlighting JIS best practices, promising strategies, and lessons learned via a variety of mechanisms, including annual Committee meetings.

APPENDIX A

Global Improving Tribal Justice Information Sharing Task Team Membership

- Chief William Denke, Task Team Chairman and GAC representative from the International Association of Chiefs of Police (IACP)—Indian Country Law Enforcement Section representative and Global Advisory Committee (GAC) member
- Mr. Michael Haas, Task Team Vice Chairman and DOJ Office of the Chief Information Officer (CIO) representative
- Ms. Kimberly Cobb, American Probation and Parole Association (APPA) representative
- Ms. Kay Chopard Cohen, GAC representative from the National District Attorneys Association (NDAA)
- Mr. Steven Correll, GAC representative from Nlets—The International Justice and Public Safety Information Sharing Network (Nlets) and Global Executive Steering Committee (GESC) liaison
- Ms. Eileen Garry, Indian Law and Order Commission and Bureau of Justice Assistance (BJA) representative
- Ms. Marcia Hurd, DOJ Office of Tribal Justice (DOJ OTJ) representative
- Sheriff Mike Leidholt, National Sheriffs' Association (NSA) representative
- Ms. Kimberly Lough, Criminal Justice Information Services (CJIS) Division, Federal Bureau of Investigation representative
- Mr. Carl Wicklund, GAC representative from the APPA and GESC member (retired)
- Ms. Tammy Woodhams, National Criminal Justice Association (NCJA) representative

APPENDIX B

Questionnaire Respondents

Representatives from the following GAC-member organizations submitted responses:

- American Correctional Association
- American Probation and Parole Association
- Association of State Correctional Administrators
- Conference of State Court Administrators
- Criminal Intelligence Coordinating Council
- Criminal Justice Information Services Advisory Policy Board (CJIS APB)
- Executive Office for United States Attorneys
- Federal Bureau of Investigation
- International Association of Chiefs of Police—State and Provincial
- International Association of Chiefs of Police—Indian Country LE Section
- Major Cities Chiefs Association
- Major County Sheriffs' Association
- National Association for Court Management
- National Association of State Chief Information Officers
- National Center for State Courts
- National Conference of State Legislatures
- National Council of Juvenile and Family Court Judges
- National Criminal Justice Association
- National District Attorneys Association
- National Legal Aid and Defender Association
- National Sheriffs' Association
- Nlets—The International Justice and Public Safety Network
- SEARCH, The National Consortium for Justice Information and Statistics

Representatives from the following state and local justice organizations submitted responses:

- Arizona Supreme Court
- Austin Police Department
- New Jersey State Police
- Virginia State Police

APPENDIX C
Global Tribal Justice Information Sharing Task Team Questionnaire

Dear Global Justice Information Sharing Initiative (Global) Advisory Committee (GAC) Colleague:

On behalf of Chief William Denke, GAC representative from the International Association of Chiefs of Police-Indian Country Law Enforcement Section and Global Tribal Justice Information Sharing (JIS) Task Team Chair, please accept this request to contribute your knowledge and experiences through a brief questionnaire, designed to support the long-standing goal of advancing our tribal colleagues' JIS capabilities.

Sharing your organization's current information sharing practices, suggestions for JIS improvements, and advice for next steps with GAC leaders will help inform future priorities and address areas of need. If you are not currently engaged in tribal JIS efforts, we want to know that, too. Again, this task is designed simply to identify gaps in services and areas where the GAC can recommend to the U.S. Department of Justice issues and activities where added value can strengthen current business practices.

This task should take 15 minutes, at most, to complete. Questions with an asterisk (*) require an answer to advance.

Please contact staff member Donna Lindquist at dlindquist@iir.com or (850) 766-9806 should you have any questions about this request. You are kindly asked to complete this questionnaire by Friday, August 14, 2015.

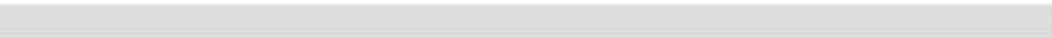
Your valuable insights are greatly appreciated.

Sincerely,

Thomas Clarke, Ph.D.
Chairman
Global Advisory Committee

* 1. Please enter your contact information. Name, Title, Organization, E-mail, and Phone Number are required.

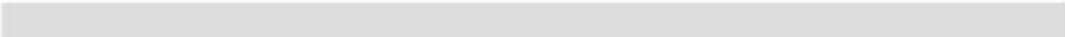
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Title:	<input type="text"/>
Organization:	<input type="text"/>
Address:	<input type="text"/>
City/Town:	<input type="text"/>
State:	-- select state --
Zip Code:	<input type="text"/>
E-mail:	<input type="text"/>
Phone Number:	<input type="text"/>



* 2. Which organization do you represent on the Global Advisory Committee?

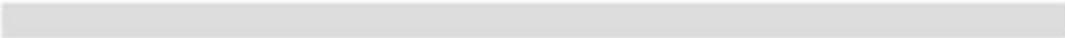
Please select your GAC member organization:

If you selected "other," please list your GAC member organization:



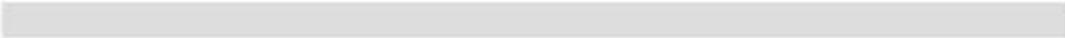
Questions 3 through 8 relate specifically to your organization's tribal justice information sharing (JIS) activities.

Your answers to these questions are required to complete the questionnaire.

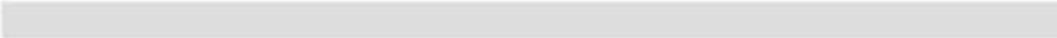


* 3. Does your organization play a role in tribal justice information sharing (JIS)? Please select all that apply:

- Training and technical assistance (TTA).
- Advocacy.
- Technical solution development.
- Policy solution development.
- Facilitation of collaborative efforts, partnership building, and/or cross-domain engagements.
- Other role(s). (Please provide additional information on the next page.)
- We do not play a role in tribal JIS at this time.



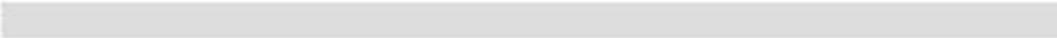
4. Please provide additional information on the role(s) your organization plays in tribal justice information sharing (JIS) based on your response to Question 3 (for example, types of TTA engagements, more details on other roles). If you do not play a role in tribal JIS at this time, is there a specific reason(s) why?



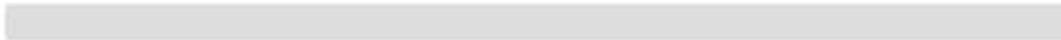
* 5. Does your organization have tribal JIS best practices, activities showing progress, and/or lessons learned? Do you have ideas on how to "scale up" local projects or programs into state, regional, or national solutions?

- No, not at this time.
- Yes.

If "yes," how are they shared? If available, please provide links, references, or access instructions to associated documentation (such as point-of-contact information for follow-up).



* 6. What does your organization consider the primary impediments to tribal JIS (with your organization and/or overall)?



* 7. What guidance or requests does your organization have for Global Advisory Committee leaders to enhance and advance tribal JIS (for example, suggested priorities and next steps for GAC consideration in addressing this issue)?



* 8. Would you be interested in discussing this issue further with a tribal JIS leader (including exploring opportunities for collaboration, training and technical assistance, and/or associated presentations to your community)? Please relay point-of-contact information, if applicable, for follow-up.

No, not at this time.

Yes.

If "yes," please provide ideas, requests, and point-of-contact information:

Questions 9 through 13 relate to your organization's general involvement with the tribal community.

While very strongly encouraged, your answers are not required to complete the questionnaire. However, any insights and expertise you are willing to share will be greatly appreciated, particularly if your organization's mission, goals, and operating processes include engagement with and outreach to the tribes.

9. How does your organization receive input on tribal issues? Select all methods that apply.

- Member(s) who participate on behalf of tribes.
- Subcommittees, task teams, or working groups.
- Training and/or conferences.
- Technical assistance.
- Targeted engagements, such as conference calls or surveys.
- We do not receive input on tribal issues at this time.

Other methods (please specify):

10. Please provide additional information on the methods your organization uses to receive input on tribal issues listed in Question 9 (for example, the names and types of training). If you do not receive input at this time, is there a specific reason(s) why?

11. Do you have an organization member or members who also participate on behalf of tribes? Indicate all the tribal communities, roles, or interests that he/she/they represent(s):

- Tribal leadership.
- Law enforcement.
- Prosecutors.
- Courts.
- Probation and parole.
- Juvenile justice.
- Victims' advocate.
- No, we do not have members who also participate on behalf of tribes.

Other tribal communities, roles, or interests represented (please specify):

12. How does your organization formally address tribal-specific issues? Select all methods that apply.

- Resolutions.
- Position statement.
- Issue paper/white paper.
- Memorandum of Understanding (MOU)/Memorandum of Agreement (MOA).
- Committee Charter or Bylaws.
- Inclusive tribal language in documentation, resources, and recommendations (i.e., "... local, state, tribal, federal, and territorial ...").
- Other methods. (Please provide additional information on the next page.)
- We do not formally address tribal-specific issues at this time.

13. Please provide information on the other methods your organization uses to address tribal issues (from Question 12). Or, if you do not address tribal issues at this time, is there a specific reason(s) why?

14. Please share any additional comments, observations, or requests related to your organization's engagement with tribes, advancing tribal JIS, and/or your organization's participation in this area.

Thank you for completing this questionnaire and sharing your experiences and insights to support the long-standing goal of advancing our tribal colleagues' justice information sharing (JIS) capabilities.

The questionnaire summary will be presented for formal recommendation at the fall GAC meeting, to be held November 4–5 in Washington, DC. You will have an opportunity to review the document prior to wider dissemination.

At any time, if you have questions, please contact staff member Donna Lindquist at dlindquist@iir.com or (850) 766-9806.

APPENDIX D

Respondent-Submitted Resources

- COPS Office Grant Funds Historical Tribal, Local, and State Information Sharing Project in California, http://cops.usdoj.gov/html/dispatch/04-2015/cops_office_information_sharing_grants_in_ca.asp.
- Indian Country Accomplishments of the Justice Department, <http://www.justice.gov/tribal/accomplishments>.
- The materials and best practices available through the National Association of Court Management (NACM) are not tribal-specific but could be helpful in most court environments. For more information on NACM resources, please contact Kevin Bowling, J.D., at kbowling@miottawa.org, GAC representative from that organization and a member of the GESG.
- National Conference of State Legislatures' State/Tribal Institute Web Page, <http://www.ncsl.org/research/state-tribal-institute.aspx>.
- National Criminal Justice Association's State and Tribal Collaboration Webinar Series, <http://www.ncja.org/webinars-events/state-tribal-collaboration-webinar-series#collaborative-approaches>.
- SEARCH, The National Consortium for Justice Information and Statistics makes a wide variety of information sharing resources available at <http://www.search.org/resources/information-sharing-resources/>. While these are not specifically directed toward tribes, they are broadly applicable to state, local, and tribal information sharing projects.