

TRIBAL COURTS ASSISTANCE PROGRAM (TCAP)

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OVERVIEW OF TCAP

- History of TCAP
- Why DOJ support for Tribal Justice Systems?
- Understanding the diversity of Tribes and their Justice systems
- Look at tribal accomplishments under TCAP

HISTORY OF TCAP

- Prior to FY 1999, primary federal source of funding for Tribal Justice systems was Department of Interior, but this funding was very limited (200 systems in existence)
- TCAP starts in FY 1999 with 76 grants to Tribes to plan or implement justice systems
- Included Tribes in States historically not funded by DOI (Alaska, California for example)
- Since 1999 282 Tribes funded to the tune of 45 million

BJA APPROACH TO TCAP

- No attempt to impose a Western-style system on tribes, resulting in the development of diverse justice systems (wellness courts, restorative justice courts, peacemaker courts, inter-tribal courts, and Western-style courts)
- All Tribes had opportunity for funding
- By emphasizing planning tribal communities had input into structure of justice systems
- Now over 300 tribal justice systems in operation

WHY DOJ SUPPORT FOR TRIBAL JUSTICE

- Trust responsibility- Obligation of US, borne of treaties and duties owed to Tribes, to support tribal self-government
- Tribal Justice Systems take a huge burden off of federal and state justice systems and do so in a cost-efficient manner
- Cookie-cutter method did not work in Indian country- Crime in Indian country must be responded to in a culturally-appropriate manner

UNDERSTANDING THE DIVERSITY OF TRIBES AND THEIR JUSTICE SYSTEMS

- Over 570 Tribes recognized by US, almost half of which are in Alaska
- They range from large Tribes with millions of acres of land and hundreds of thousands of members to landless Tribes with a handful of members- All are equal in the eyes of the law though
- Some have treaties, many were recognized by executive orders, and some by acts of Congress
- Many call their leaders Chairman, some President, Governor, Chief, and all are part of the diversity of Indian nations

DIVERSITY OF TRIBAL JUSTICE SYSTEMS

- In working with Tribal Justice systems, it is usually the Tribal Judge or Court Administrator most attuned to developments in the Court, not tribal leader or grant writer
- Because many Tribes are strapped for resources sometimes outside entities or personnel will write grants
- Usually productive to develop a contact within the tribal justice system

TRIBAL ACCOMPLISHMENTS UNDER TCAP- EXAMPLES

- Karuk Tribe of California- 1999 planning grantee- Recent California Court Decision recognizing its jurisdiction
- Southern California Tribal Chairman's Association- Developed inter-tribal court with an inter-tribal communication system