

**INTEGRATED JUSTICE SYSTEMS IN  
AMERICAN INDIAN COMMUNITIES  
PLANNING SERIES:**

***PRELIMINARY PLANNING FOR  
JUSTICE INTEGRATION IN TRIBAL  
COMMUNITIES***



**Prepared by  
Ada Pecos Melton, President  
Stephen Wall, Tribal Justice Specialist**

**American Indian development Associates  
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***Planning for Justice Integration in Tribal Communities***  
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## **INTRODUCTION**

Due to changes and growth in tribal justice and law enforcement systems, Indian nations are faced with the need to integrate these systems to ensure effective access to information handled by tribal various justice agencies and others needing criminal history information.

Integration is an arrangement of components or parts into a harmonious whole or the process of coordinating diverse elements. Information integration is a process of creating connections to facilitate information exchanges between agencies, programs and organizations. The purpose of justice integration is to collect, manage and share information generated by justice services agencies. Justice services agencies include law enforcement agencies, courts, and corrections and may include victim advocacy, social services, and other ancillary programs that provide services along with local justice systems.

Thoughtful and careful planning is essential to design, develop, implement, and maintain integrated justice systems. This edition of the *Integrated Justice Systems in American Indian Communities Planning Series* discusses the important preliminary planning aspects tribal governments must consider when planning integrated justice and law and order systems in tribal communities.

The following sections articulate important background information to

consider in designing systems integration by drawing from the current experience of the New Mexico Crime Data Project (NMCDP), a project supported by the Justice Research and Statistic Association (JRSA) – Tribal Justice Statistics Assistance Center (TJSAC) through funding by the US Bureau of Justice Statistics. This ongoing project promises to provide continuing information about important achievements and lessons learned as the project progresses. This edition entitled, *Planning for Justice Integration* describes the preliminary planning actions a tribal government must take towards designing an integrated justice system.

## **VARIANCES IN TRIBAL CRIME DATA COLLECTION**

Crime data capture, management and sharing by tribal governments are at various levels of development. Some tribal justice agencies have had computerized management information systems for decades and others still rely on manual systems to collect and store data. A number of factors have worked for years to hinder the capacity of tribal governments to establish crime data and information systems.

Historically, the U.S. Department of Interior through the Bureau of Indian Affairs (BIA) has managed tribal crime data collection directly because of their trust role in providing law enforcement services, court functions, and social services among others to Indian tribes. With the advent of P.L. 638, the 1975 Self-Determination Act, tribes were able to contract with the BIA to take

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over provision of law enforcement services, court functions, and social services in their tribal communities. While many tribes took advantage of the "638" contracting program, there were many that did not for various reasons. Presently, the responsibility for crime data collection lies with both the tribes and the BIA. However, many tribes still submit their tribal crime data to the BIA for funding purposes. Crime data is collected in aggregated categories following BIA formatted requirements that enable funding decisions, but has limited use for extensive crime analysis that can be given back to the reporting tribes by the BIA.

Another hindrance to collecting tribal crime data is the isolation and insulation of tribes from mainstream law enforcement concerns and issues. For decades, there has been a perception that what happens on Indian reservations is in no way connected to what happens off reservations and vice versa. It was generally thought that small tribal populations did not need formal data systems since there were small caseloads and everybody knew most everyone in the community. While there was some travel back and forth to other reservations and to urban areas for work, the majority of tribal populations were static with few non-member Indians or non-Indians living on Indian reservations. Thus minimizing the perceived need for modern information technology in tribal justice and law enforcement systems.

Tribal law enforcement has been chronically under-funded since 638

contracting began; but tribal departments are eligible for a variety of federal and state law enforcement and/or justice related programs and initiatives. Often the distribution of state or federal funding is formulated based on crime data. Criminal histories and access to crime information systems has become important for officer safety and prosecutions. Exchange of data relating to warrants, orders of protection and convictions are needed for the effective enforcement of tribal law.

Tribal populations and environments have changed dramatically in the last few decades. Many tribal members have married or have children with non-tribal member Indians and non-Indians. Domestic violence and other crime rates have risen in Indian Country at a time when they are decreasing in the rest of the United States.<sup>1</sup> Tribal economic development has brought outsiders into reservation lands. Increased mobility has provided ways for people to frequently travel to other reservation and urban areas. Increased intergovernmental and interagency relationships and agreements, such as cross-deputization between tribes and states have become commonplace.

The rapid and expansive environmental changes over several decades have increased the need for tribes to develop more effective and efficient information systems. Often tribal justice agencies are unprepared to address the contemporary crime data needs that these changes have created. As a result, data management and information sharing issues,

concerns and needs have been moved into the forefront of tribal justice and law enforcement planning and development.

With all of these changes in the tribal justice and law enforcement environment, tribes are now taking the steps necessary to effectively and efficiently capture, manage and share crime data.

## **DEVELOPING A TRIBAL JUSTICE INTEGRATION PLAN**

Justice integration is more than simply procuring technology such as hardware and software and installing it. Rather it is an enterprise and process that requires long-term commitment.<sup>2</sup> As an enterprise effort, integration is a new way of managing, collecting and sharing crime information with internal and external groups using modern information technology and organizational structures.

Designing integrated systems is methodical, in that, a number of developmental steps must be taken to move forward. The enterprise grows and expands as the developmental steps are taken and as more agencies participate in the integration process. These steps lay the foundation for the process aspect of implementing and maintaining an integrated system.

The planning process generally occurs in three stages<sup>3</sup> that include:

1. Preliminary planning,
2. Detailed planning, and

3. Preparing and implementing a final plan.

The following sections describe some important steps to develop a sound preliminary plan for designing and integrated justice system. The steps describe those taken by the New Mexico Crime Data Project. The two remaining planning components—detailed planning and preparing and implementing a final plan will be discussed in future articles as they are ongoing components of the NM Crime Data Project.

### ***1. Preliminary Planning***

#### **Understand Justice Integration**

Foremost it is important for everyone to understand what integrated justice is and the impact on other systems and structures. In particular, it is important that tribal leadership, administrators and tribal members understand and have confidence that it is not a free for all for getting data and information on tribal members by agencies internal or external to the tribe. Usually agencies, especially public agencies are required to protect the data and/or information they collect, generate or manage. However, it is important to acknowledge and address the lack of trust that tribes may have with sharing or making tribally held data with internal and outside governments or agencies.

Justice integration facilitates sharing of needed information with and/or among agencies, but it does not

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mean that all information is shared with other agencies. An agency that generates, captures, manages and uses data does so for a particular purpose. For example, tribal courts maintain records of cases that include a wide range of information: the parties, service of process, evidence that was entered into the case, the findings or judgment, the final order and any warrants or other writs the court issues. Law enforcement may maintain records of call outs, incident logs, arrest information, incident reports and tapes of dispatches. Each of these agencies collects specific information to meet agency needs. However, there are some kinds of information collected by one agency that other justice service agencies need that can be shared and eliminate redundant data collection and entry. The courts (or prosecutor's office) may need some information from the police, such as an incident report. The police may need a warrant list from the courts. Justice integration facilitates the transfer of information, but it does not facilitate transfers of all information or transfers of information that may not be appropriate to share. Through the integration process, appropriate and necessary information exchanges are identified and protocols for that transfer defined.

While tribal courts and law enforcement are the most likely to share information, justice integration includes agencies that are part of the entire justice system and/or process, such as probation and parole, prosecutor's office, public defenders, guardian ad litem and advocacy groups. Additionally, other groups may

need criminal and juvenile justice information to perform or provide services to mutual clients such as social services, mental health and/or substance abuse agencies. Each justice agency or allied agency generates, captures and manages data for its own needs and purposes, but they often need access to information held by other justice agencies.

For example, initial DWI information is first collected by law enforcement. Prosecutors need the initial information to develop and present cases to the court. Courts need this information to set bail and hear the case and use for disposition. Probation needs the information to prepare pre-sentence investigations and reports, or for probation plans. If driving suspensions or revocations occur, state motor vehicle departments need that DWI disposition information to determine restoration of driving privileges via a driver's license.

The processes, protocols and standards used for data collection, management, and sharing vary from agency to agency as does the need to send or receive data from other agencies. Justice integration is the process for insuring that data is properly captured and managed and that there are ways to bridge the practices of the various agencies that need to share data. To assist with the flow of information exchanges, SEARCH, a national training and technical assistance group has developed a web based Justice Information Exchange Model (JIEM) to map out information exchanges. This

tool assists jurisdictions to detail the flow of exchanges

Justice integration occurs in two directions: *horizontal* with the integration of agencies within the same government, and *vertical*, which is integration between agencies of different governments.<sup>4</sup> Horizontal integration involves justice agencies authorized or commissioned by the same government, such as a tribe, a county, or a state. Frequently, there is extensive information and data sharing and transfer already occurring between those agencies. The integration process enhances the effectiveness of existing sharing arrangements and the quality of data and information shared. It is important that horizontal integration is occurring before vertical integration. Being able to share information with other governments presumes that information-sharing processes internal to the tribal governmental structure are fully integrated and functional. Internal or horizontal integration helps to avoid problems with tribal leadership, criticism from internal and external organizations and assures the tribal populace that the tribal government is protecting and caring for tribal citizens information.

### **Understand Business Practices of Participating Agencies**

*Business practices* indicate the specific methods and approaches that agencies use to conduct operations. Tribal courts have established business practices often articulated in the criminal and civil rules of procedure and through administrative policies that

direct standard operations of court staffs. Most law enforcement agencies have business practices established by a law enforcement standard operating policies and procedures manual. Similarly, other justice agencies such as probation and parole, corrections and the prosecutor have policies that define how their offices operate. In addition to published policies, there may also be unwritten aspects of the office culture that is understood by those who have worked in the agency and has to be learned by new hires.

An organization's business practices include the official policies, office culture and other factors that determine or guide how that agency does its work. These business practices provide the framework upon which justice integration is built. Each agency has business practices that should be used to define its relationship to other justice service organizations. Justice integration is based on the interplay of the various business practices existing among agencies.

### ***Justice Integration Partners***

Justice integration involves the cooperation and collaboration of a number of agencies because of their common need to share and access information from one another. It is by definition a collaborative effort that requires investment and commitment of all agencies in the justice system. The integration process necessarily involves group decision-making, coordination, planning and

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implementation for both horizontal and vertical integration to occur.

**Organize Working Groups**

Involvement of multiple agencies necessitates organizing and coordinating the effort of a few to many participants. This can occur by establishing a *working group or project advisory committee* that is responsible for all aspects of the justice integration effort. The local working group is needed to guide design, development, implementation, and provide ongoing oversight for horizontal and vertical integration efforts. The working group should be made up of subject matter experts from tribal justice services representatives from law enforcement, courts, social services, victim advocates; and information technology experts. In most tribal settings it is also important to include tribal leadership and community members. Integrating the various justice agencies in a tribal community is the primary goal of the local working group.

Once a tribe completes horizontal integration, the foundation is laid for vertical integration to begin. This next step greatly expands information-sharing networks to occur across jurisdictions with other tribes, counties, states and federal agencies. A cross-jurisdictional working group should be set up to develop, guide and implement the vertical justice integration system. This working group should have representatives from tribal, state and federal agencies wanting to participate in vertical information exchange and sharing. Like the local working group, the cross-

jurisdictional working group is responsible for planning, coordination, group decision-making and other aspects necessary for implementation of the system.

**Technical and Subject Matters Expertise**

It is important for integrated justice working groups to have members from different disciplines and representing a variety of agencies and organization. Technology experts are essential members that can guide design of the system. Technocrats are important in helping with the following:

- Designing infrastructure systems,
- Conducting or assisting with information technology needs assessments,
- Ensure proper use of technology,
- Identifying needed technology, equipment, hardware and software,
- Identifying training and technical assistance needs to operate systems, and
- Overseeing installation and system maintenance.

Similarly, working groups should include members that are subject matter experts. These are generally the people who use the information to provide or perform services, such as the police, judges, clerks, probation officers, prosecutors, public defenders, advocates, social workers, counselors, etc. Subject matters experts help technology experts to understand how systems work or should work and how

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information exchanges occur. The combined information is needed to design an effective integrated system that can effectively and efficiently support information sharing and exchange.

**Project Governance**

The working group, whether it is a local interagency or cross-jurisdictional effort, needs to have a clear authority structure to make and implement decisions that facilitate the sharing of critical information. Local and cross-jurisdictional working groups generally address the simple and complex issues and concerns that arise when information is being shared. The working group roles include:

- An understanding of the issues, concerns and needs of the different groups involved in the integration process,
- Review and discovery of contributing factors to concerns and issues,
- Finding effective and efficient solutions to barriers and challenges presented by justice integration, data and information-sharing, and
- Leadership for development, implementation and sustaining integration as a long-term process.

Justice integration depends on the use of modern technology. However, there are many non-technology

concerns and issues that local and cross-jurisdictional working groups need to address. Working groups should be prepared to address the following:

- Poor relations among horizontal agencies or with external agencies and/or governments;
- Each agencies business practices, policies and regulations regarding data collection, storage, usage, management and sharing;
- Perceived and differing needs for data and information sharing across agencies and jurisdictions;
- The mix of traditional tribal culture and agency culture; and
- Political support for justice integration.

Through appropriate formal procedures the working group should become a governing body that oversees the justice integration system. Without proper authority, the working group will not be able to make and enforce decisions that will move the justice integration initiative forward. As the working group matures, it is important that members be aware of their role to provide leadership to sustain the system over the long-term (See New Mexico Project Insert).



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**New Mexico Justice Integration Project**

The New Mexico Crime Data Project (NMCDP) arose from a need to implement state law allowing DWI information sharing between the State and the 22 tribes and pueblos in New Mexico. The initial working group started as an ad hoc group formed through grassroots efforts by a private Indian-owned business and tribal justice representatives concerned about ways to make the law work. This local effort received a boost from seed funding provided by the Justice Research and Statistics Association (JRSA) through the Tribal Justice Statistics Assistance Center (TJSAC) (a project funded by the US Bureau of Justice Statistics). The funding enabled the ad hoc group to initiate an information-sharing needs assessment among the NM tribes, which documented for the first time the problems, strengths, barriers and solutions to sharing information facing NM tribes and pueblos. The qualitative data collected helped the ad hoc group to design, develop and implement the NMCDP.

Under the NMCDP a Project Advisory Committee (PAC) was established to oversee activities for design of DWI information sharing strategies between three volunteer pueblos and the State Motor Vehicles Department (MVD). Agencies represented on the PAC include three Pueblos (Laguna, Acoma and Zuni), three state agencies (Administrative Office of the Courts, the Indian Affairs Department, Motor Vehicles Department), and three federal agencies (Bureau of Indian Affairs, FBI, United State Attorney), and two non-profit agencies (Coalition to Stop Violence Against Native Women, Statistical Analysis Center-UNM). Since the original PAC was established the Navajo Tribe and the New Mexico Highway Transportation Safety Department have asked to join the PAC. The PAC underwent a planning process to identify goals and objectives for the NMCDP. The PAC became a multi-agency working group with responsibilities: for establishing preliminary plans, approving goals and objectives, and monitoring the progress of the project, decision-making, and recommendations to the State and participating Pueblos.

**Establishing a Common Vision**

Working groups can provide an important role towards establishing governance by providing the means to coalesce different agencies and jurisdictions to agree on and develop a shared vision articulated in written purpose statements such as the one below:

“The New Mexico Crime Data Project Advisory Committee (PAC) is organized to provide advice and technical review of the New Mexico Crime Data Project, a project of the

New Mexico Indian Affairs Department (IAD), American Indian Development Associates (AIDA), and the Tribal Justice Statistics Assistance Center (TJSAC). The PAC will be constituted from representatives of tribal, state and federal agencies involved in the collection, management and use of crime data. The PAC will review the project activities for technological feasibility, soundness of approach and appropriateness of projected outcomes. AIDA and TJSAC will rely on the advice of the PAC and the participation of individual PAC

members in meeting the goals and objectives of the New Mexico Crime Data Project, including the review of project deliverables and technical support on certain project objectives. The project will provide training and technical assistance to the tribal, state and federal agencies for implementation.”

Formulation of this purpose statement was instrumental in clarifying the parameters of the project and assisted the participating pueblos to establish similar working groups in their communities. This statement reflects the advisory nature of the PAC and the purpose of the NMCDP, which was to initiate dialogue and enhance tribal capacity to manage and share crime data. Vision or purpose statements of local working groups should be more specific to the particular needs of the jurisdiction and the nature of the integration project. Vision statements reflect the scope and purpose of justice integration and should be agreed upon by all working group members.

**Establishing Roles and Responsibilities for Working Groups**

Roles and responsibilities of working groups are essential to maintain organization and to understand each agency’s expectations and those that fellow representatives have of one another. Some fundamental issues and concerns may need to be resolved and agreed upon formally. Without taking the time to discover the issues work may not continue. In the New Mexico project, it was important for the PAC to

enter into an agreement formalized through a written charter. The charter represented commitment by tribal and state representatives to work on designing a DIW information exchange process. The charter also outlined specific roles and responsibilities to guide the NMCDP PAC (See Table 1).

<b>Table 1 NMCDP PAC Roles and Responsibilities</b>
<p><b>Roles:</b></p> <ol style="list-style-type: none"> <li>1. The PAC and its members will participate in the strategic planning process to insure that activities and projects are technically, financially and culturally appropriate from the perspective of the agency, organization or government they represent.</li> <li>2. The roles of the PAC and members of the PAC are advisory.</li> <li>3. Members of the PAC will participate as appropriate and feasible on project tasks and activities.</li> </ol> <p><b>Responsibilities:</b></p> <ol style="list-style-type: none"> <li>1. Each PAC member is expected to provide access and other forms of support for tasks or activities of the New Mexico Crime Data Project occurring within the agency, organization or government represented by PAC members.</li> <li>2. Each PAC member is expected to provide advice and insight as to how a New NM Crime Data Project task would impact the agency, organization or government they represent and what can or should be done to maximize the positive benefit</li> </ol>

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<b>Table 1 NMCDP PAC Roles and Responsibilities</b>
<p>for the project and the represented agency, organization or government.</p> <p>3. Each PAC member is expected to participate in the PAC. Missing PAC meetings will result in the loss of the agency, organization or government's representation on the PAC.</p> <p>4. Each PAC member signing this Charter will be considered the point of contact for the PAC and the organization they represent and communications to others in the organization by members of the PAC will not be considered official.</p>

The NMCDP PAC roles and responsibilities reflect their advisory nature and are more reflective of a vertical integration working group because of the multiple jurisdictions (at least four—three pueblos and the state) involved in the project. However, local or horizontal integration working groups should include specific roles and responsibilities to ensure that activities can be implemented.

**Formalizing Working Group Efforts**

At the outset of an integration initiative, it is important to obtain and organize support from all the essential partners. This can be done at various levels and degrees of agreement. Justice integration and information sharing need to be formalized by written interagency or intergovernmental agreements, such as charters, memorandum of

agreements (MOA) or memorandum of understanding (MOU). These agreements essentially memorialize partner agency roles and responsibilities and identify parameters and authority of each group in the integration process or system.

The primary purpose of formal agreements are to serve as the mechanisms for authorizing people, programs, organizations, and systems to engage in information-sharing activities. These formal agreements provide the necessary guidance by which groups develop the attending policies and procedures to implement justice integration and information sharing systems.

Formal agreements help working groups to clarify what roles and responsibilities and at what level or degree an agency, government or individual can commit. It is important for representatives to cover their actions, have the appropriate authority to speak for the agency, program or government they are representing. Integrated tribal justice systems require signatory approval by the political leaders representing the executive, legislative and judicial branches of tribal government. Some agreements may also require signatory approval by agency or department heads. Depending on the level and type of information sharing, some federal agencies and/or representatives may not be able to sign a local integrated justice agreement, which was the case for the NMCDP. The federal partners stated that they would not be able to sign an MOA, but were willing to provide a support letter for the project

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indicating their willingness to participate in the project.

## **CONCLUSION**

Justice integration projects are complicated, multi-agency undertakings. They inherently require participation, collaboration, cooperation and planning from a variety of agencies. The work of the justice integration project involves more than identifying and procuring technology. Most of the work is based on the business practices of each agency: identifying critical information, assessing agency demands for information and determining standards for data quality. This work demands a governing body that has the authority to make and enforce decisions impacting the business practices of the various agencies involved in the integration process.

In order for the working group to insure participation, collaboration, cooperation and planning and to act as a governing body, there needs to be a conscientious effort to insure that the working group has the capabilities to fulfill its task. This conscientious effort needs to include:

- 1) The development of a common vision, agreed to and understood by the working group,
- 2) The identification of roles and responsibilities and expectations,
- 3) Formal establishment of the working group through tribal resolution, charter or

intergovernmental agreement to insure that the group has the authority to establish policy and enforce programmatic changes necessary for the success of the justice integration project.

- 4) A process of education to insure that all members of the working group have the opportunity to increase their knowledge, skills and abilities about technologies, approaches and strategies related to justice integration.

It is also important to recognize that as an enterprise that builds upon previous successes and failures, a justice integration project will grow and develop continually challenged by new technologies, changing law enforcement environments and personnel changes. The working group members need to recognize that, over a period of time, the membership, roles and operations will evolve. There may be new members coming in as ancillary agencies integrate into the justice system. The tribe may contract services from the BIA or IHS or retrocede an existing contract, either of which will cause a change in policies, approaches and personnel. The individuals in the working group as well as the structure of the working group must be open to such changes.

Governance for justice integration is of utmost importance. In order to ensure success, governing bodies need to have certain documents and perform certain activities. Justice integration project involves multiple agencies and may have an impact on each agency's business practices and technology acquisition plans. The

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governing body needs to:

- Have the authority to make policy and technical recommendations and enforce those recommendations.
- Establish the common vision,
- Define roles and responsibilities of the governing board,
- Engage all of its membership and member agencies to support justice integration and information sharing and exchange,
- Incorporate new membership as necessary, and
- Encourage and inspire the group to participate, coordinate, cooperate and collaborate in planning and implementation of the justice integration system.

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<sup>1</sup> 1999, Greenfeld, L.A. and S.K. Smith, *American Indians and Crime*, published by the US Department of Justice, Bureau of Justice Statistics, Washington, DC.

<sup>2</sup> 2004, Robert, D.J., *Integration in the Context of Justice Information Systems: A Common Understanding*, in Information Systems Integration: A Library of SEARCH Resources for Justice and Public Safety Practitioners, published by SEARCH: Sacramento, CA.

<sup>3</sup> 2004, Webster, L.P. *Roadmap for Integrated Justice: A Guide for Planning and Management* in Information Systems Integration: A Library of SEARCH Resources for Justice and Public Safety Practitioners, published by SEARCH: Sacramento, CA.

<sup>4</sup> Ibid at 2.