NCJTC
National Criminal Justice Training Center
Fox Valley Technical College

Building Better & Stronger Tribal Justice Systems

PART 1

Sovereignty Considerations as Part of Planning

Presented by
Michelle Rivard Parks
May 31, 2018

Fox Valley TECHNICAL COLLEGE
Knowledge That Works

Tribal Justice Systems Planning Project

BJA
Bureau of Justice Assistance
U.S. Department of Justice

This project was supported by Grant No. 2012-IC-BX-K004 awarded by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the U.S. Department of Justice's Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the Office for Victims of Crime, and the SMART Office. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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Michelle Rivard Parks

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2 PART SERIES

Sovereignty Considerations 1

Custom, Traditions, and Values as Part of Planning 2

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Today we will discuss…

- What is tribal sovereignty
- How is tribal sovereignty exercised
- The role of tribal sovereignty in the justice system planning process

By Nick Youngson – www.nyphotographic.com

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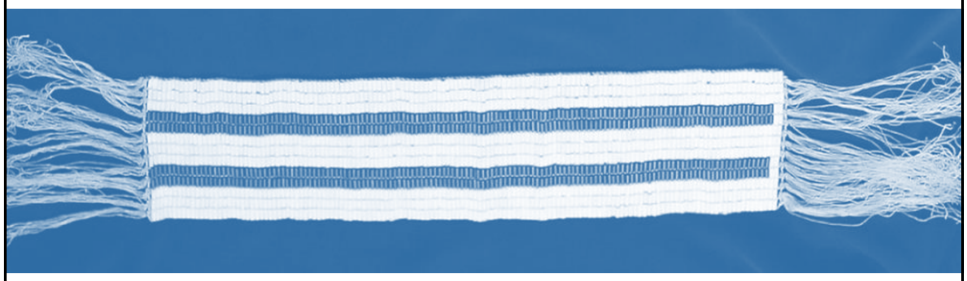
Sovereignty

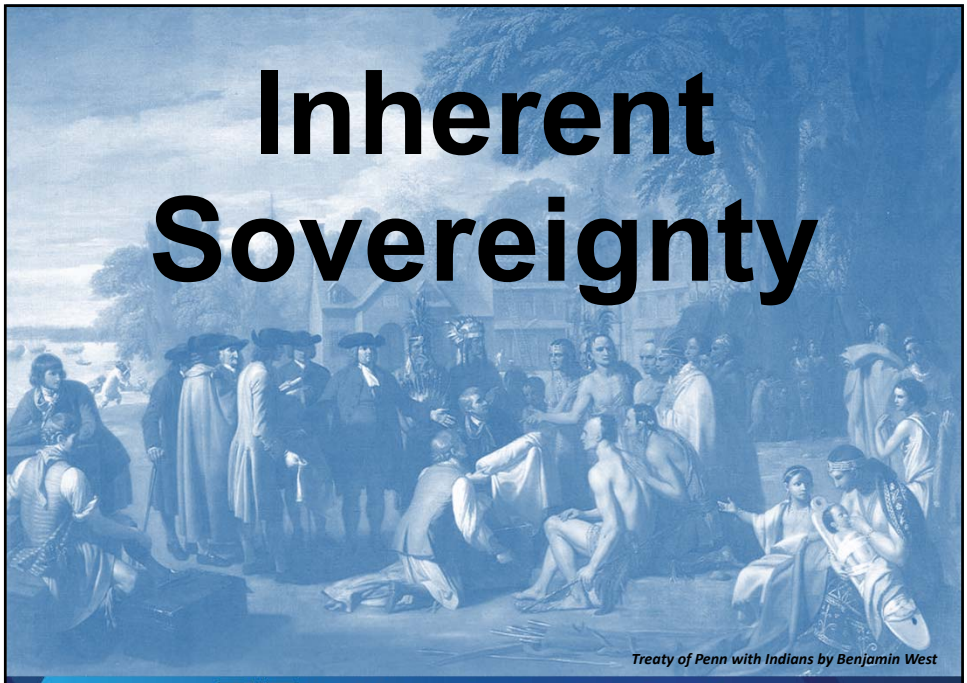


Ability of a tribe to make laws and be governed by those laws

Inherent Sovereignty

Oneida Indian Nation, 2016, http://www.oneidaindiannation.com/treaty-of-canandaigua-anniversary-nov-11/

Inherent Sovereignty



Treaty of Penn with Indians by Benjamin West

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Sovereignty

Air Force photo by Kelly White

How is it exercised?

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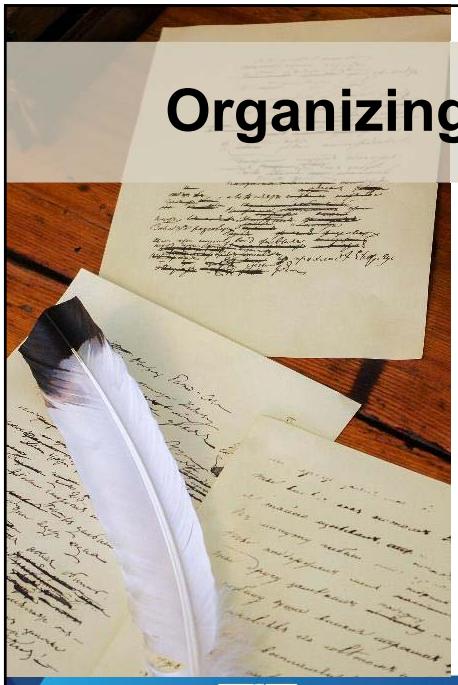

Organizing as a government

- Constitution
- Organizational documents

Passing Laws

- Statutes
- Codes
- Ordinances
- Regulations

Enforcing Laws

- Courts
- Forums

Enforcing Laws

Need Strong Tribal Justice Systems

- Preserve tribal sovereignty
- Enforcement
- Dispute resolution
- Community safety
- Economic development
- Financial security

Tribal Nation Building

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Tribal Nation Building

Includes Key Components (Harvard Project)

- Stable institutions
- Fair and effective dispute resolution
- Separation of government and private sector
- Competent bureaucracy
- Cultural "match"

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Fair and Effective Dispute Resolution

- Established process
- Impartial
- Honors community
  - Values
  - Customs
  - Traditions

2014 by DoD News Photos (Marvin Lynchard)

Comprehensive Tribal Justice System Planning

- Process-oriented
- Consider justice system as a whole
- Multi-disciplinary
- Multi-agency

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Mindful planning through assessment

Build upon what is working

Change what isn't working

Leverage existing resources and services

Determine resources to develop

Community Engagement

- Early in the process
- Acceptable tribal procedures
- Team approach
- Focus on the system as a whole
  - Include those involved in the justice system
  - Include community "builders"
  - Include those impacted by the justice system

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Getting Started…Assembling a TEAM

Who?

What role?

What is being built?

How will it be built?

Community Engagement?

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Community Engagement

Who to include?

- Tribal members
- Non-members
- Adults and elders
- Youth

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Getting your TEAM on the same page…

- Shared vision
- Shared mission
- Shared plan for development of justice system

Sovereignty Considerations for your team…

Be mindful of….

- Community needs
- Existing programs, services, and resources
- Community values
- Future vision and mission

Sovereignty Considerations for your team…

Reaffirm Sovereignty

Incorporate tribal language

Spiritual practices for victims and offenders

Infuse tribal values into laws affecting family

Include tribal tradition in the justice system

Consider community-based services

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COMING SOON

Part 2 - Custom, Tradition and Values as Part of Planning

June 19, 2018
11:30 am CST

Register at www.ncjtc.org

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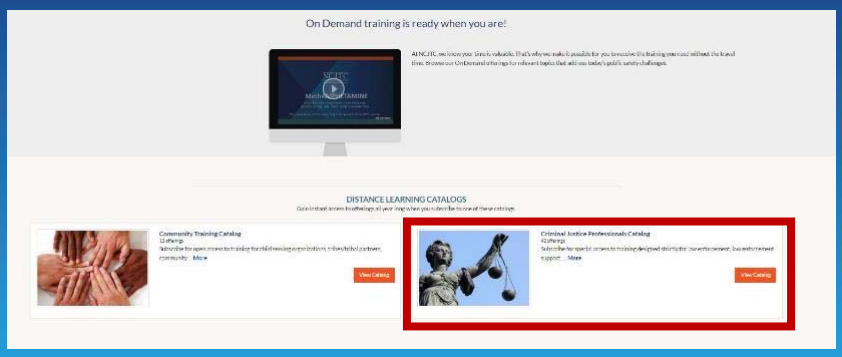
ON DEMAND TRAINING:



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THANK YOU

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