

Tribal Access to Federal Criminal Justice Databases

Webinar Q&A

Moderator: Cabell Cropper (NCJA)

Presenters:

Allison Turkel (Office of Justice Programs, U.S. Department of Justice)

Chris Chaney (Access Integrity Unit, Federal Bureau of Investigation)

Kimberly Lough (Criminal Justice Information Services Division, Federal Bureau of Investigation)

Kirk Flerchinger (Confederated Tribes of the Umatilla Indian Reservation)

1. How is CJIS complying with the Federal Law Enforcement Act?

Kim Lough: *CJIS is already providing that service; the Act reinforces what's already in place. We cannot make states or tribes participate, but we do try to encourage communication. We mainly change outreach rather than changing processes.*

Chris Chaney: *FDIC has training divisions. Training is available for tribal divisions that seek certification.*

2. How do tribes overcome barriers when they do not have law enforcement, and how does the federal government assist the tribes? Tribes do not have to participate in SORNA, so they have a lack of access to databases.

Allison Turkel: *Under SORNA, there is no standard that tribes must have law enforcement. The challenge then arises of how tribes perform core law enforcement functions. Counties or state police can help tribes follow through on SORNA, specifically with the law enforcement aspect. Tribes can also collaborate with each other to perform law enforcement functions, when the states do not cooperate with the tribes.*

In response to the second part of the question, I am unsure what the information about service programs refers to. Tribes can use civil services and CJIS systems.

Chris Chaney: *There are CJIS systems and other ways tribes can participate in law enforcement. A legal provision defines criminal justice agency as including courts. Tribal courts can therefore get orders, information, and convictions. The definition also includes government agencies that administer criminal justice. Criminal justice is not just law enforcement but includes many other aspects and functions.*

3. Do your tribal members and leaders have voices prior to implementation?

Chris Chaney: *This question goes back to the issue of tribal sovereignty and what issues tribal governments control. Tribal governments often share some information, but not all information. The FBI does not require tribal jurisdictions to submit all data.*

Allison Turkel: *Tribes can opt in to sex offender databases. Tribes can control what information of theirs goes into the system.*

4. Is there any way for tribal child protective services to have access to NCIP for background checks? Also, can they access to background checks for employment purposes?

Chris Chaney: *Our office deals with background investigations. Here, at CJIS, attorneys do work with background checks.*

Tom Aldrige, attorney: *There is specific statutory authority and state law authorizes states to access background check data.*

Allison Turkel: *Questioners asking whether they qualify to receive background checks should contact Chris Chaney.*

5. Why are non-natives not registering when so many work and live on reservations?

Kirk Flerchinger: *It is mandatory for businesses to list that they have registered sex offenders. A good department will be on top of the code. If a business harbors a sex offender, that business will be charged with a felony.*

Allison Turkel : *I agree with Kirk. Tribes implementing SORNA are still working on it. They may have implementation problems such as not having an updated website. Some tribes register with the states, so they are not unregistered for SORNA.*

6. Is there a template to guide tribes on CJIS or a template to guide regional information sharing among tribes?

Chris Chaney: *There is no template. The reason for the lack of a template goes back to tribal sovereignty. There are six or seven systems that CJIS maintains to help tribes. Tribes have different needs, strengths, and challenges, so we do not have a one size fits all approach.*

7. How can CJIS work with tribes who do not want to deal with states because tribes want to instead deal with the federal government?

Kim Lough: *CJIS has a shared-management approach with states, DC, federal agencies, and territories. Each area has a CJIS assistance agency. The agencies are responsible for training, auditing, and technical changes. There is no way to deal with tribes who do not want to deal with states. We have tried to find a tribal organization. Tribal law and order under the attorney general allows tribes who meet certain standards to have access to databases. There is service available over the internet, UCR, NCIC, and other communication lines from the FBI.*

Cabell: *Is there any funding available?*

Allison Turkel: *Adam Walsh grants are related to SORNA implementation, and the majority of the grants have gone to tribes. CJIS, NCICs, through BJS promote NARAP and NCHIP, recently closed for this year. Byrne JAG Assistance through UCR funding is allocated through the states. Twenty-one Indian tribes are qualified for JAG awards.*

Other resources include various purpose areas to build hardware and software training. BJA funds internal tribal information sharing. BJA also has information about justice information sharing initiatives. Technical training is available to tribal law practitioners and personnel. There is also a tribal listserv, and mentoring for police chiefs.

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